

STRIKING BAATIL

"In reality, We (Allah) strike baatil (falsehood) with the Haq. It then smashes out the brains of baatil. And, lo, it (baatil) suddenly disappears."
(Qur'aan)

Al - Haq

BULLETIN No. 22

THE BAND OF HAQ

"There will ever remain a band from my Ummah fighting on the Haq until the Day of Qiyaamah. Those who oppose them and those who do not aid them, will not be able to harm them." Hadith

P.O. BOX 3393 PORT ELIZABETH 6056

ZUL-QA'DH 1424 / DECEMBER 2003

MPL — A COG IN THE GLOBAL PLOT TO DESTROY ISLAM

"They plot to extinguish the Noor (Shariah) of Allah with their mouths while Allah will complete, (perfect and guard) His Noor even though the the unbelievers abhor it." (Qur'aan)

Desperate attempts are being made overtly and covertly by the "Muslim Personal Law" (MPL) clique to pass off their kufr accretion as a valid constituent of the immutable Shariah of Allah Ta'ala. This clique is at great pains to convince the Muslim public by deception that the provisions of its bill, in fact, the entire proposed Muslim Marriages Law Bill, are fully in compliance with the inviolable Shariah stemming from the Qur'aan and the Sunnah.

SILENCE

The hitherto silence of the majority of anti-MPL Ulama has facilitated the MPL clique in its abortive endeavour to convince the Muslim public of the Islamic validity of its bill of kufr. However, the glaring kufr and danger of the MPL measure have constrained numerous Ulama to realize that their silence is highly detrimental to the Cause of Islam, and that the Muslim community is being misled and hoodwinked by the utterly false impression of the MPL's compliance with the Shariah created by the votaries of this mutative piece of proposed legislation which has as its goal the displacement of the immutable Shariah of the Qur'aan Majeed.

It is truly satisfying to observe many Ulama now vocally denouncing the kufr MPL proposal. It is imperative for the Ulama to assert themselves more vociferously, outspokenly and unambiguously reject the MPL bill in its entirety, for it is kufr from beginning to end — it is kufr couched in Islamic terminology — concealed kufr to mislead the Muslim masses and to gain from them recognition of kufr in the name of Islam. Since the aim of MPL, that is, of its true engineers who have their headquarters elsewhere on earth, is to scuttle Islam by submitting the divine immutable Sha-

riah of the Qur'aan to a process of kufr and baatil re-interpretation, the need is imperative to convince the Muslim masses of the supposed compliance of this kufr proposal with Islam. Insha'Allah, they shall fail in the realization of this dastardly plot because Allah Ta'ala has assured that *His Noor— His Shariah—* can never be obliterated by the conspiracies of the kuffaar and munaafiqeen who have adorned themselves with the hues of Islam while gnawing at the foundations of the Deen.

ISLAMIC FAMILY LAW

While in South Africa the cog in this conspiracy is termed *Muslim Personal Law*, elsewhere is is dubbed *Islamic Family Law (IFL)*.

In a paper submitted to the Ford Foundation by the plotters of Islam's destruction, the caption of the said paper reads: *Islamic Family Law: Possibilities of Reform Through Internal Initiatives*. This very heading of the plot provides a wide open window from which the sinister designs of the plotters can be adequately viewed. The "*Internal Initiatives*" will be and in fact are being presented by the enemies from within the Ummah. These enemies are the *Munaafiqeen* (Hypocrites) — the modernist 'scholars', professors and university graduates who are being harnessed in to present a new 'shariah' in the pernicious plot to bring about "*reform through internal initiatives*." In South Africa that *kufr reform* is being presently advocated by the *internal initiatives* of the MPL clique.

The dastardly plot is to 'reform' or re-interpret or more correctly destroy the immutable Shariah of the Qur'aan and substitute in its place an entirely new law—a new system. While it will be a new law of kufr, it will retain the name of Islam. Precisely for this reason is the glaring kufr of the MPL iniquitous proposal termed 'Muslim Personal Law' by its manufacturers.

IMMUTABILITY

The only way in which these votaries of kufr hope to succeed in their nefarious plot to scuttle Islam, is to sell the idea that the Shariah as we know and practice it is not Islam. The vile claim is that the Shariah is the product of the opinions of the jurists (*Fuqaha-e-Kiraam*), hence it may be 're-interpreted and reformed'. These enemies from within assert that the Shariah has outlived its utility, hence the need for reformation by way of re-interpretation which will be executed by the modernist *fussaaq* and *zindeeq* so-called scholars.

They have calculated that the success of their plot is dependent on breaching the wall of Immutability of the Qur'aanic Shariah. Once Muslims can be convinced that the Shariah is not immutable, the way will be cleared for the introduction of a kufr system bearing the name of Islam. And, the only manner in which the Immutability of Allah's Shariah can be assaulted is to peddle the idea of the Shariah being the product of the *Fuqaha* (Jurists) of Islam. In this regard, the proposal which was submitted to the Ford Foundation states:

"...and highly sophisticated system of Islamic jurisprudence (commonly known as Shari'a) that can be traced back to the 8th and 9th centuries C.E."

The first attempt is to create the notion that the Qur'aanic Shariah was not initiated by Rasulullah (sallallahu alayhi wasallam), but was the initiative of the *Fuqaha* of the 8th and 9th century of the Christian era. The authors of this proposal have attempted to give credence to their falsity by citing the differences of the *Fuqaha* regarding the juridical principles. Thus, in the opinion of the kufr-mongers the differences of the *Fuqaha* negate the Islamic concept of the Immutability of the Shariah. The brief and emphatic response to this kufr is that this claim is false and utterly baseless. The Qur'aan refutes this idea and the logical conclusion of this Qur'aanic refutation is that the assault on the Immutability of the

Shariah is kufr — such kufr which expels the heretic and the *zindeeq* from the fold of Islam. This concise response shall, Insha'Allah, be elucidated in a book which we intend preparing on this subject.

Progressing with the claim of kufr, the conspirators say in their paper advocating "reform through internal initiatives":

"In this light I maintain that the notion of an immutable body of principles of Shari'a as universally binding on all Muslims for eternity was utterly inconceivable to the early jurists, notwithstanding subsequent claims that such a body of principles exists."

The immutability of the Shariah is not a 'notion' of 'subsequent claims'. This immutability, contrary to what the *zindeeq* plotter alleges, was advocated and upheld by the 'early jurists'. It is inconceivable that the *Fuqaha* had not believed in the inviolability of the Shariah. The very categorization of *Ahkaam* into *Fardh* and *Haraam* classes with their concomitant consequence of Reward and Punishment— Jannat and Jahannum — should serve as ample testimony for the irrefutable claim of the immutability of the Shariah in the teaching of the *Fuqaha*. No man has the right to confer Jannat to anyone nor assign anyone to Jahannum. Such unequivocal assertions can be proclaimed only on the basis of Immutability of the System which enunciates such transcendental consequences which are beyond the grasp of the human mind and totally out of the domain of human jurisdiction. Insha'Allah, this postulate shall be further elaborated in our book on this topic.

THEIR DIFFICULTY

Acceptance by the Muslim masses of the idea that the Shariah is not immutable is crucial for the success of the plot to destroy Islam. As long as Muslims adhere to their *Aqeedah* (Belief) of the immutability of the Qur'aanic Shariah, the plotters know that they cannot achieve the goal of

(Continued on page 2)

UNFOLDING OF THE PLOT

In what is nothing but an admission to the existence of the plot to replace the immutable Shariah of Islam, the authors of "Islamic Family Law" state in the paper submitted to the Ford Foundation:

"This Project is fully funded by a generous grant from the Ford Foundation, and is being implemented in two phases: The first phase: (September 1998 to July 1999) consists of two main elements: (1) global 'mapping' survey of regional socio-cultural profiles as well as country-specific legal, institutional and other aspects of the theory and practice of IFL, and (2) two pilot case studies of Egypt (as a leading predominantly Islamic country) and the United States as a liberal secular state here where Muslims are a clear minority.

During the second phase (August 1999 to July 2000) the project will implement more focused thematic studies, as well as begin to develop more concrete reform proposal and test the possibilities of their advocacy in specific settings. This phase will conclude with a major international conference, somewhere in Africa or Asia, to evaluate the outcome of the project as a whole, and set priorities for future activities."

This kufr project did not envisage opposition from the Ummah. Its plan to enlist modernist professors

and misguided molvis gave it a false sense of confidence and a misdirected assurance of success. It is quite manifest from the admissions of the project members themselves that the primary motive for the family law proposals, be it the IFL or MPL brand — they are of the same breed — is to sell western concepts of human rights, children's rights, women's rights and gender equality to the Ummah. However, since the enemies of Islam do understand the impossibility of achieving their aims without a plausible subterfuge, they formulated the plot of presenting these western ideas of kufr in the name of Islam, hence the designations of IFL and MPL in the hope of their diabolical schemes remaining concealed. But Allah Ta'ala has exposed the conspiracy which is doomed to fail.

The Qur'aan Majeed confirming the failure of the schemes and plots of the enemies of Islam, says: **"In fact, We fling the Haqq against baatil. It then smashes out the brains of baatil. Suddenly, it (baatil) disappears (like a mirage)."** Insha'Allah, Muslims will not be fooled by the thin veneer under which the MPL kufr has been presented.

THE SHARIAH

"Then, We have established you (O Muslims!) on a Shariah with regard to (your) affairs.

Therefore, follow it (the Immutable Shariah), and do not follow the vain desires of those who do not know (i.e. the ignoramuses of the MPL clique and their ilk)." (Qur'aan)

The Qur'aan in this ayat categorically asserts the Immutability of the Divine Shariah of Islam.

THE AUTHORS OF THIS KUFR

The senior Authorities of the Shariah — the Ulama-e-Muhaqqiqeen — have provided a yardstick for measuring the truth or falsehood of a concept. See who are the authors, originators and initiators of the project. If

the originators are men of Allah, Ulama and Auliya, the project will be in compliance with the Shariah. On the contrary, if the authors are fussaag, kuffaar, munaafiqeen and the like, then obviously the project will be baatil (false). Let us now see who the authors and manufacturers of IFL (MPL) are.

(1) Dr. Abdullah An'am (Project director) — Professor of Law, Emory University, Atlanta, U.S.A.
(2) Dr. Lynn Welchman, director of (the so-called) Centre of Islamic and Middle Eastern Law at the School of Oriental and African Studies of the University of London. He is the one who prepared the legal profiles.

(3) Ms. Amy Wheeler — Administrative Assistant for this Project.

(4) Ms. Svetlana Peshkova and

Ms. Maria Fadlilmula — Emory University researchers.
(5) Ms. Saira Zuberi and Ms. Liazzat Bonate — CIMEL researchers.

The aforementioned list of names should make it abundantly clear that the scheme of IFL (MPL) which they have engineered will be decidedly baatil and kufr.

The very founders of the MPL proposal are un-Islamic and unqualified personnel. Right at the bottom, shallow-minded molvis and other opportunists have been co-opted to give the kufr process a tinge of Islamism which is so necessary to hoodwink and mislead the unwary and ignorant masses of the Ummah.

THE SEAT OF THE KUFR 'shariah'

The immutable Shariah of Islam is the product of the Qur'aan Majeed which was revealed from the Heavens via the agency of Hadhrat Jibraeel (alayhis salaam) from Looh-e-Mahfuz in the Seventh Heaven to Muhammad (sallallahu alayhi wasallam), the Seal of Nubuwwat, in the Holy City of Makkah and Madinah. Every aspect of this sacred Shariah of the Qur'aan is immutable, divine and inviolable.

Now let us look at the 'shariah' of kufr, its place of origin and its paraphernalia. The proposal submitted to the Ford Foundation states in this regard: **"Emory University has the necessary scholarly and technical capacity for the implementation of the project. In addition to the Law and Religion Program, Emory University is strongly building up its scholarly and technical resources for the study of Islam and Islamic societies. For example there is the Committee on the Study of Islam, headed by Professor Richard Martin, a leading specialist of Islamic studies and Chair of the Department of Religion. This Committee consists of ten professors from different departments (Middle Eastern studies, Law, Anthropology, Religion, Art History and Political Science). Moreover the Graduate Division of Religion has just initiated a Ph.D. program in studies (with Duke University and University of North Carolina)."**

This iniquitous and baatil 'shariah', part of which has been termed IFL or MPL is the product of the opinions of the aforementioned array of western intellectual personnel. The product spawned by these aliens will of a necessity be kufr with which Muslims dare not consort.

EPITOME OF KUFR

Among the team responsible for the IFL (MPL) kufr, is the propounder of kufr, Amina Wadud who heads the women's lib.

Movement in her region. Acknowledging this fact, the paper submitted to Ford Foundation, states:

"The project team will also include scholars (sic) like Professor Amina Wadud (who has already tentatively agreed to participate in this project) who are developing innovative theological interpretations of the Qur'an that are conducive to achieving equality for women."

The Muslim community may remember that Amina Wadud was the missionary of kufr who had visited South Africa a few years ago to sell the shaitaani concept of reinterpretation of Islam to the Muslim community. Coinciding with her visit was the introduction of "Muslim Personal Law". At that time the gimmick was called MPLB (Muslim Personal Law board). The very same quasi-molvi who steers MPL today was at the forefront of MPLB during the visit of Amina Wadud. By the Fadl of Allah Ta'ala MPLB disintegrated and the mirage disappeared. Today the very same plot of kufr reinterpretation of Islam is being resurrected under the name MPL.

(Vol 11 No. 7 of the Majlis discusses Amina Wadud and MPLB. Whoever requires a copy of this Majlis issue may write to us. Some stamps will be appreciated, Jazakallah.)

This then is the new 'shariah' of kufr acquired by a process of kufr "innovative theological interpretations of the Qur'aan that are conducive to achieving equality for women." And, this is the kufr spawned by the kuffaar which the MPL molvis are advocating. *Walahoula wa la quwwata....."*

ISLAM IS BELEAGUERED

Just as the Ummah is beleaguered and surrounded on all sides by enemy forces, both physical and spiritual, so to is Islam beleaguered. The leagues of Shaitaan and the Nafs have already pummeled and overwhelmed the Ummah. The Ummah is to be blamed squarely for this situation and for the mire in which it is sinking by the day. The Ummah has itself brought on it this miserable situation by its wanton acts of transgression and its almost total voluntary assimilation into the culture of the kuffaar.

ISLAM

Islam —the Deen of Allah — is also beleaguered by a variety of enemy forces hell-bent on its obliteration. For this lamentable state of affairs the Ummah too is responsible. Since Muslims themselves have discarded Islam, its Shariah and its Sunnah, this Deen has become a target for the kuffaar. Conspiracies abound in the kuffaar resolve to exterminate Islam. They have calculated that in the wake of Islam's extermination, Muslims as a separate nation and force will cease to exist.

THE PLOT

Among the plots which the kuffaar have spun to eradicate Islam, the Muslim Personal Law device is an important develop-

ment. It is a subtle scheme having ample subterfuge. It is presented as part of Islam, hence Muslims may be easily beguiled and deflected from true Islam.

The plot does not simply revolve around the issue of marriage and divorce or the formulation of some rules for regulation of these institutions. The plot goes much deeper than this. The aim is to displace and exterminate Islam by introducing such change and interpolation in its immutable Shariah which will not only make Muslims subservient to the cultures of the kuffaar, but which will result in the total assimilation of Muslims into the lifestyle of the kuffaar. In short, Islam has to disappear in order to enable this Ummah to merge with the kuffaar into a single homologous society of bestiality and materialism. Warning Muslims, the Qur'aan Majeed sats:

"O People of Imaan! If you follow the kuffaar, they will turn you on your heels. Then you will become losers. But (remember) that Allah is your Friend, and He is the Best of helpers."

The goal of the enemies is the ultimate destruction of Islam, and the mechanics of the plot envisage the gradual acclimatization of

Muslims to changes innovated in the Shariah. Thus, MPL is a step in the direction of the attempt to completely overhaul the Shariah and substitute it with 'international norms of human rights, equality of women' and other concepts of the kuffaar.

The method evolved for this process by the enemies of Islam is: *reform through internal initiatives*". This, in clear terms means to recruit munaafiqeen, modernists *juhhaal*, shallow minded molvis and molvis whose aim is the dunya (*hubb-maal and hubbe jah*— love of wealth and love for worldly acclaim) to do the dirty work of dismantling the immutable Shariah of the Qur'aan. It has thus become imperative for the achievement of the aims of this global plot to efface from the minds of Muslims the belief of the immutability of the Shariah. The endeavour in this direction is to attribute the Shariah to the Jurists of the 8th and 9th centuries.

FAILURE

But the Qur'aan has given the assurance that all such attempts and plots of the kuffaar will be neutralized by Allah Ta'ala. For the protection of the purity of His Deen on earth, Allah Ta'ala has created the Institution of the Ulama-e-Haqq—those Ulama who

will always proclaim the Haqq and weed out the accretions of baatil and kufr which have become mutatively attached to the Body of Islam. Regarding this group of Ulama, Rasulullah (sallallahu alayhi wasallam) said:

"There will always remain a group of my Ummah fighting on the Haqq until the Day of Qiyaamah. Those who oppose them and who do not aid them, will not be able to harm them."

The Ulama-e-Haqq therefore have no reason to fear the onslaught of the enemies and the agents of Shaitaan. It is imperative for the silent segment of the Ulama-e-Haqq to become more vocal in the proclamation of the Haqq with regard to the haraam MPL bill presented by the MPL clique deceptively under guise of Shar'i compliance while in fact there is conflict with the Shariah from the beginning to the ending of this innocuous measure. May Allah Ta'ala destroy the baatil of the agents of Shaitaan who have intentionally or unintentionally joined the unholy alliance of the enemies of Islam.

WHAT IS KUFR

WHAT IS KUFR

Of utmost importance is to understand the gravity of the MPL exercise. There is no word which conveys the evil of the MPL proposal better than the Shar'i term, *Kufr*. Kufr is the rejection of the Law of Allah Ta'ala. There is a variety of kinds of *kufr*, all having the same effect of expelling its votary from the fold of Islam.

In the satanic MPL context we are not using this term lightly. The term *kufr* is being employed in its Shar'i meaning with its effect of expulsion from Islam, i.e. rendering a Muslim a *mur-tadd*.

No one should goggle with surprise at this label of *kufr* and *irtidaad* being affixed to the perpetrators of the ultimate crime of *kufr*. The label aptly fits those who dabble in *kufr* and who adopt deviousness to lead the Ummah into *kufr*. The label must necessarily be affixed to those who are instrumental in the satanic process of changing and effacing the immutable Shariah of Allah Ta'ala. Regardless of their intentions, the designation will apply if the perpetration is *kufr*.

We concede the sincerity of some

shallow-minded molvis. While they do not have the motive of blending Islam with the cults of the kuffaar, they nevertheless display mental indolence and a dearth of intelligence, hence they have failed to fathom the sinister motives of the engineers of IFL (MPL). However, their sincerity cannot absolve them of the dastardly act of subverting the immutable Shariah. The label of *kufr* thus applies equally to them although there may be some mitigating factors in their favour in the Divine Court on the Day of Qiyaamah. It has been said that the apprehension of Allah Ta'ala will be in terms of the degree of intelligence He has bestowed to people. But this is an issue with which Allah Ta'ala will deal on the Day of Qiyaamah.

As for us in this world, our hands are bound by the Immutable Shariah whose commands and directives we are obliged to follow and execute.

WHO ARE THEY?

How do they become kuffaar? And who are they? Answering these questions, the Qur'aan Shareef declares with great emphasis:

"Those who do not decide in accordance with what Allah has revealed, verily, they are the

Kaafiroon."

The scope of this discussion precludes the presentation of the *Tafseer* of this aayat. Nevertheless, it will suffice to point out that in terms of this sacred Qur'aanic aayat as well as other Qur'aanic verses and Ahaadith, those who propose the slightest change and innovation in the immutable Shariah of Allah Ta'ala are *Kaafiroon*.

MPL KUFR

If a Muslim who possesses some understanding of the Shariah examines the MPL kufr bill, he will not fail to observe provisions which glaringly militate against the Law revealed by Allah Ta'ala. The MPL bill proposes such changes in the Qur'aanic *Ahkaam* which are undeniably *kufr*. Hence the molvis and quasi-molvis of the MPL clique should understand the gravity of their destructive embrace with the agents of Shaitaan. For them there is only *Taubah* and withdrawal from this conspiratorial process which has targeted Islam for obliteration.

RECOGNITION

MPL is not needed for obtaining recognition of Muslim marriages. If any Muslim for some worldly reason deems it appropriate to have his Nikah 'legalized' in terms of the country's laws, he simply has to get it registered. To save himself from the effects of community of property, he only has to arrange for an antenuptial contract excluding the accrual clause, before registering his marriage. In so doing he will achieve two aims: Legal recognition for his marriage, and recognition for his Islamic Will to ensure that his estate is distributed in accordance with the Islamic Law of Inheritance.

The effect of the whole confounded kufr MPL exercise is only ONE, viz., the recognition of the marriage by the state. Is there any need to embark on so much junk, mutilation of the Shariah and kufr solely to gain recognition which is obtainable without MPL?

THEIR DECEPTION

In a deliberate attempt to deceive Muslims and to gain acceptance for MPL by deception, a member of the Project Committee responsible for the bill of kufr, wrote to us as follows:

"I am happy to advise you that the draft bill (which has already been substantially amended) will be further amended to incorporate an appropriate provision to the effect that no Muslim will be compelled to be bound by the bill. In essence, only those Muslims who choose to register will be bound by its provisions."

This member of the Project Committee has shamelessly attempted to mislead us with the aforementioned half-truth or more correctly, blatant lie. He has sought to allay the fears and suspicion of the anti-MPL Muslim public by peddling his half-truth.

THE PROVISION

While the entire MPL bill is repugnant, the following provision is particularly offensive and objectionable:

"Application of this Act"
(2) *The provisions of this Act shall apply to a Muslim marriage contracted before the commencement of this Act: Provided that the parties shall be entitled, within a period of 12 months or such longer period as may be prescribed, as from the date of such commencement, jointly to elect in the prescribed manner not to be bound by the provisions of this Act, in which event the provisions of this Act shall not apply to such marriage."*

The deception perpetrated by the project committee member is conspicuous and contemptuous in the light of this provision. He had deliberately set out to mislead Muslims by conveying the impression that those who are unhappy with the kufr bill will be automatically excluded from these unjust and un-Islamic provisions of the un-Islamic MPL bill. But the bill states the opposite.

ITS MEANING

The atrocious composition of words making up the provision means that:

- If husband and wife do not *jointly* apply to be excluded from the kufr MPL law within a period of 12 months from the time the bill became law, then this kufr will automatically apply to them even if they are averse to it.
- The application within 12 months must be a joint one. One spouse cannot opt out of this evil measure without the co-operation of the other spouse.

The project committee member had made an abortive attempt to conceal these unjust stipulations of the provision in his bid to mislead us or to trick us into believing that the kufr MPL bill will apply to only such Muslims who voluntarily opt for it.

ASSURANCE

Assuming that this haraam provision does meet with the approval of the law-making authorities, Muslims who are conscious of the Shariah have the assurance of the secular constitution's protection of their Deeni right in this regard. Even if this provision becomes law, it will be unconstitutional in terms of the constitution of this land, which in its Section 15 enshrines the principle of freedom of religion, conscience, thought, belief and opinion. Discrimination on the basis of creed is not allowed by the constitution.

ITS PRINCIPLE

In view of this declared principle, it is unconstitutional to impose on Muslims any secondary law or system to which they are averse. It is un-

constitutional to impose on Muslims an unwanted piece of legislation which will not be imposed on other segments of the populace. Such an imposition on only Muslims is plain discrimination on the basis of creed. The constitutional court will have to strike down this discriminatory provision. In fact, it will have to rule that nothing of MPL may be imposed on any unwilling Muslim who opts for governance in terms of the secular constitution of South Africa. The blindness of the project committee in this respect speaks volumes for the incompetence of its members.

MARITAL SYSTEM?

Relative to marital system, the project committees paper states:

"Couples contemplating a marriage should have the right to choose a marital system which is compatible with their religious beliefs and with the Constitution."

For this choice there is absolutely no need for an elaborate bill of kufr. The authorities can be approached to amend the existing law to provide for this right. Anyhow, Muslims always had this right under the previous dispensation and even under the present regime. The law of the land does not impose any particular marital system on Muslims. They make this choice freely, of their own accord. This statement is therefore superfluous and displays the gross ignorance of the project committee.

CUSTOMARY LAW MARRIAGES

The Customary law marriages applies to Blacks in this country. If they wish they may choose between the customary or the civil system. But there is no default option which brings about the imposition of customary marriage law on Blacks should they not apply for exemption or to be excluded from the provisions of the customary marriage law.

The provisions of Customary Marriage Law do not automatically apply to Blacks if the spouses do not jointly apply for exemption in any prescribed manner. In fact there is no such prescribed form for applying for exclusion. But the *juhhaal* of the MPL clique seek to have their peculiar brand of kufr imposed compulsorily on Muslims. Insha'Allah, they will miserably fail in this plot.

RECOGNITION

Customary marriages of Blacks in this country are recognized without the need for contracting a civil marriage in court by a marriage officer. If the MPL clique was interested in the issue of recognition of Mus-

lim marriages, they should have studied the Customary Law of marriages between Blacks. If recognition can be granted to their marriages inspite of them bypassing the civil courts, then why can recognition not be awarded to Muslim marriages contracted in terms of Muslim 'customary' or religious custom/law?

If the aim is to secure recognition, there is no reason why such recognition cannot be obtained along the same lines that recognition is conferred to the customary marriages of Blacks. However, there is much more than the issue of recognition at stake. The sinister design is the elimination of the immutable Shariah, hence the imperative need to hoist kufr MPL on the Muslim community. Once this kufr measure has been accorded recognition by Muslims, the plan is to strike more nails into the coffin of the Shariah's demise. Ofcourse, this is a measure doomed to failure because Allah Ta'ala has promised to complete His Noor regardless of how furiously these *murtaddeen* blow their trumpets.

DICTATORIAL

DICTATORIAL

The project committee responsible for this piece of mutilation of the Shariah has increasingly become dictatorial in its approach. It seeks to override even the constitution of the country with which it is so enamoured and to which it so much desires to make the immutable Shariah of Allah subservient. The endeavour of this misguided, un-Islamic and

unrepresentative committee is never to make anything compliant with the Shariah. Rather the converse is true. The feverish attempt is to make the Shariah comply with the secular constitution.

Such compliance is possible only by throwing out the immutable Shariah and presenting kufr under the guise of Islam. And, this is precisely the

capital crime of which this confounded committee is guilty of. Its worst crime is that it is hell-bent on misleading Muslims with its averment of Shar'i compliance when in actual fact nothing of it complies with the immutable Shariah of the Qur'aan.

With the aid of a multitude of kufr and anti-Islamic forces, the project committee desires to ram down the throats of the Muslim community a provision to compel Muslims to submit to the law of *Jaahiliyyah*.

SPECIAL EDITIONS
Prior to the current issue of Al-Haq (Bulletin No.22), another three Special Editions dealing with only MPL were published. Those who had not received the earlier three issues, and wish to have them, may write to us. Stamps will be appreciated. Postage for the three issues is about R5. Jazakallah!

lims from following the Shariah. proposal is so preposterous that

WHOSE ENDEAVOUR IS IT?

In its background discussion, the project committee states: *“Under the new dispensation various endeavours on the part of the Muslim community to seek legal recognition of aspects of Muslim Personal Law finally led to the establishment of a Project Committee of the South African Law Commission in respect of its investigation into Islamic Marriages and Related matters.”*

In a note on this claim, the committee alleges: *“The previous attempts during the apartheid era at securing recognition of Islamic marriages did not enjoy the support of the broader community because they were inter alia perceived as giving legitimacy to the white minority regime and its unjust policies.”*

This is the comment of the hypocrites who are currying favour with the present regime by advertising their supposed abhorrence for the policies of the previous regime. Far from what has been claimed here, just as MPL never enjoyed the support of the broader Muslim community then, so too it does not enjoy the support of the broader Muslim community today. The implication that the majority of Muslims supports the kufr proposal of the MPL is a blatant falsehood.

Muslims did not support MPL before nor today, not because of the apartheid regime, but because the whole damned proposal is blasphemous and kufr. Any other interpretation given for this lack of Muslim support is utterly baseless.

EVIDENCE

What is the evidence and the basis for the claim that the broader Muslim community supports the kufr MPL? Fringe elements, deviates and the like are the supporters of the kufr which the project committee has gorged up. Besides the support of groups such as women’s lib and the gender equality mob, and perhaps the flabby support of some shallow-minded molvis, the project committee does not enjoy the support of the broader Muslim community.

And, even if the broader Muslim community is duped and tricked into offering support for the kufr proposal, MPL cannot be accepted by Islam since it is a sinister move to displace the immutable Shariah and substitute it with a kufr so-called shariah which is to be introduced under the aegis of the enemies of Islam.

The Muslim community did not make any endeavour to seek legal recognition for marriages. In fact, we are better off with the present status. There is no incumbent need for gaining state recognition of our marriages. Divine recognition is more than adequate. Non-recognition of our marriages does not thwart Muslims from following the Shariah. There is ample room in the country’s constitution to permit Muslims to regulate their lives in accordance with the demands of Allah’s immutable Shariah.

FOLLOWING SHAITAAN

“Among mankind are those who dispute in th aayaat of Allah without knowledge, and they follow every rebellious shaitaan.”
(Qur’aan)

CUSTOMARY BLACK MARRIAGES

Even in the apartheid era, customary marriages which were, in fact, legal, did not have the automatic consequence of community of property. The constitution accommodated the traditional law of the Blacks in this regard.

Although both regimes, the apartheid one and the present one, are unanimous in denying legal recognition to Islamic religious marriages, no matrimonial property system is enforced on Muslims. If a Muslim for some reason decides to register his marriage to gain legal recognition, he is not compelled by law to adopt any particular matrimonial property system. Although the community of property system is automatic if an antenuptial contract does not exist, it is not compelled. It is rather adopted on account of the ignorance of the spouses or because of the uncaring attitude of the spouses for the requirements of the Shariah.

Thus, the issue of legal recognition and matrimonial systems is a lot of hot air which deviates blow. This hot air signifies nothing. It is a red herring for misleading the community.

CRIMINALIZING A SHAR’I RIGHT

The MPL bill of kufr reads: *“Any husband who knowingly and willfully fails to register the irrevocable Talaq in accordance with this subsection shall be guilty of an offence and liable on conviction to a fine not exceeding R5000.”*

The ludicrousness of this kufr proposal is so preposterous that even the project committee shied away from stating the jail term in the event of non-payment of the R5000 which these MPL miscreants have proposed.

THE QUR’AAN

The Qur’aan does not require a man to register his Talaq Baain. The Sunnah does not require such registration. Now when the Immutable Shariah does not impose registration of Talaq Baain or any other kind of Talaq, what conclusion should the Muslim community form about those who propose that a Muslim man be criminalized, fined and even jailed for acting in a manner accepted by Allah’s Shariah (the Qur’aan and Sunnah)?

ZINA AND KUFR

The MPL debacle states: *“If a spouse disputes the validity of the irrevocable Talaq according to Islamic Law, the marriage officer shall not register the same, until the dispute is resolved, by arbitration in terms of section 14 of the court or pursuant to a written settlement between the spouses.”*

Drivel! This proposal is in entirety in conflict with Islamic Law. In terms of MPL ‘law’ the effect of this provision can be even zina (adultery). If the wife claims that her husband issued Talaq Baain and the husband refutes her contention, then in a non-Muslim country, it is the right of the woman to arbitrarily walk off and consider herself irrevocably divorced regardless of the protestations of the husband and any fatwa issued by any Ulama Council. Such fatwa

does not enjoy the status of the decree of a Qaadhi in Daarul Islam. No one can compel her to live with a man whom she is convinced had administered Talaq Baain (Irrevocable Talaq).

If the wife refutes the husband’s contention of Talaq Baain, there is absolutely no argument and no dispute. The husband’s claim that he had issued Talaq Baain in fact is Talaq Baain. It confirms his contention. The Nikah is terminated forthwith.

In Daarul Islam, if the husband refutes the wife’s claim that he had given Talaq Baain, the Qaadhi will call on her to produce witnesses. If she fails to do so, her claim will be dismissed and she will be ordered to live with her husband.

In view of the aforementioned laws of the Shariah, what the MPL proposal orders is nothing but kufr.

OPINIONS OF KUFR

Allah Azza Wa Jal states in the Qur’aan:

“Then, We established you on a Shariah with regard to (your) affairs. Hence, follow it, and do not follow the vain desires of those who know not (i.e.the ignoramuses).”

Rasulullah (sallallahu alayhi wasallam) said:

“He who speaks in the Qur’aan without Ilm with his opinion, should prepare his abode in the Fire.”

All the persons and organizations listed on this page

come within the purview of this Hadith of Rasulullah (sallallahu alayhi wasallam). They have denied the Shariah. They do not submit to Allah’s Shariah as the aforementioned Qur’aanic aayat commands. The people and the attitudes which have brewed the MPL bill make it abundantly clear that the potion of this brew can never be the Shariah which was structured on the Qur’aan by Rasulullah (sallallahu alayhi wasallam), The Sahaabah and the Aimmah-e-Mujtahideen and Fuqaha of the *Khairul Quroon era* (the three eras designated ‘the noblest’ by Rasulullah—sallallahu alayhi wasallam).

DISSOLUTION OF MARRIAGE ?

In another kufr proposal, the MPL bill reads:

“A spouse shall, within 14 days as from the date of the registration of the irrevocable Talaq, institute legal proceedings in a competent court for a decree confirming the dissolution of the marriage by way of Talaq. The action so instituted shall be subject to the procedures prescribed from time to time by the applicable rules of court.”

The Qur’aan and Sunnah do

not require registration of Talaq nor confirmation by a court, least of all a non-Muslim court which has absolutely no jurisdiction in these matters.

A decree of a court, least of all a court of kufr, is not the order of the Shariah for a decree confirming the husband’s issuance of a Talaq Baain. The Talaq Baain takes immediate effect and immediately without a second’s delay terminates the Nikah

bond. A decree of confirmation besides being superfluous is an excess committed against the Shariah and denial of the right of the man. It is haraam to demand a man to submit to the *zulm* proposed in this MPL provision.

The MPL bill is cluttered with these kinds of excesses, conditions, stipulations and kufr proposals which effectively cancel or abrogate the immutable teachings of the Shariah.

THE BASELESS SUPPOSITIONS OF A DEFENDER OF KUFR MPL

A defender of the MPL proposal, writes in defence of the innocuous so-called Muslim Personal Law bill:

"The entire debate centres around two fundamental issues. (1) The substantive aspects of the Bill (2) The constitutional imperatives within which the Bill must operate. Unfortunately, the constitutional argument has somewhat eclipsed the substantive debate and has misdirected the entire discussion."

The fundamental basis on which hinges our criticism is the following issues:

- (1) The MPL proposal is in conflict with the immutable Shariah of Islam.
- (2) The MPL is part of a global plot to eliminate the Shariah, this being the long term goal of the sinister plot.
- (3) MPL is the product of irreligious men, heretics and zindeeqs who rely on the 'inputs' of anti-Islamic groups such as the gender equality mob and a variety of other secular miscreants as the list of Respondents confirms..
- (4) There is not a single benefit stemming from the MPL proposal inspite of the claims of its authors.
- (5) Whatever imagined benefits MPL has suggested, are available to the Muslim community without this innocuous measure.
- (6) MPL or IFL is a subterfuge for the introduction of international norms of women's rights, children's rights and for the promotion of the fallacious doctrine of the equality of the sexes.

Whether the debate and the objection pertain to the substantive aspects of the bill or to the constitutional imperatives within which the Bill must operate, is immaterial. Any aspect, from whichever domain the opposition's objections are categorized, which conflicts and tampers with the Shariah forms part of our fundamental basis for the total rejection of the bill. The artificial division presented by the defender of MPL is simply another smokescreen to dupe Muslims. It is an exercise of mental gymnastics which is the main stratagem of the MPL clique in its endeavour to convince Muslims of the supposed goodness of MPL. We do not recognize the division of our fundamental basis into two categories as tendered by the misguided supporter of MPL.

THE CONFLICTS

In three earlier Special Editions as well as in several issues of The Majlis, we have already elaborated on the many conflicts with the Shariah espoused by the bill of kufr. The present issue (Bulletin No.22) is a continuation of this discussion. Many conflicts with the Shariah are discussed in these pages.

THE PLOT

MPL being a cog in the machinery of the global plot to eradicate Islam is also discussed in this Bulletin.

ITS AUTHORS

The identity of the founders of MPL (IFL) are pointed out in this Bulletin. In addition to the alien originators should be added the Islamically unqualified project committee and the kufr 'inputs' of the plethora of persons and organizations who are all inimical to Islam and for what this Deen of Islam stands for.

ITS AGENDA

The sinister agenda of the MPL (IFL) proposal has been stated with great clarity in the paper submitted to the Ford Foundation by the authors from Emory University. This sinister design is also

discussed elsewhere in this Bulletin.

BENEFITS

The benefits which the votaries present in the name of MPL are all imaginary. Certain 'benefits' which this clique is peddling are in fact not benefits in terms of the Shariah. On the contrary, they are haraam acts of usurpation and injustice. Discussion on these aspects appears also in this Bulletin.

We can claim without fear of contradiction that to this day, no supporter of MPL has logically, intelligently and Islamically responded to any of our objections. Their silence is due to their gross inability to offer any rational response due to the irrefutable fact that they are in diametric conflict with the immutable Shariah of the Qur'aan. The only flabby semblance of response forthcoming was a letter written to us by one member of the project committee. In his letter he alleges:

"Your recent issue of 'AL-HAQ' contains substantial inaccuracies relating to the draft bill on MPL.

Quite apart from the principle of choice, the arbitration provisions of the Bill has (have) the following advantage:

Spouses may in a marriage contract incorporate an appropriate provision that any and all matrimonial disputes would be resolved through arbitration. Such a provision would ensure that matrimonial disputes are resolved privately, without resort to the Courts, thereby avoiding perceived state interference."

The writer of this letter has failed to point out and discuss the imagined 'inaccuracies'. Our brief response to this chap's objections was as follows:

"If Al-Haq contains substantial inaccuracies then publicly and in writing respond and refute same. I, shall, Insha'Allah, then attend to your comments in the manner deserving. If I have erred in any of my statements or conclusions, I shall, Insha'Allah, correct them without retracting the view that your MPL is baatil and kufr, and that you are in the game for worldly stakes.

Your averment regarding 'arbitration provisions' is a nonsensical diversion to pull wool over the eyes of those who suffer from oblique vision and shallow understanding. It does not, Alhamdulillah, make any impact over here. For lack of valid grounds to defend MPL kufr, you resort to drivel by citing the imagined bounty of 'advantages'. Such advantages have been made available to Muslims since time immemorial. Kufr MPL is not required for the provision of the advantage of Arbitration which the Qur'aan orders."

In his letter, the member of the project committee also offers us some advice on the issue of 'difference of opinion'. In response to this advice, we wrote to him: *"Difference of opinion refers to valid difference within the confines of the principles of the Shariah. There is a way to handle such valid difference, and there is another proper way to deal with kufr. The difference which kufr presents is not tolerable and does not come within the ambit of valid difference of opinion which is acceptable and in fact, necessary. Don't try to beguile people with the falsehood of your kufr MPL being within the framework of valid difference of opinion."*

SOUNDING TECHNICAL

The writer of the article in defence of MPL by referring to "the substantive

aspects of the Bill, and the constitutional imperatives" has merely tried to impress the unacquainted by making technical sounds which are a smokescreen for creating a diversion from the thrust of the actual attack against MPL. People of intelligence are not befooled with such meaningless sounds.

For a proper understanding and determination of the import of the MPL bill, a thorough dissection of all aspects is imperative. This, we are in the process of doing, but we can claim with certitude that the MPL clique is incapable of intelligent response. Their only response is emotional. They can only blabber about 'healthy debate', 'unyielding attitudes', toleration of differences and the like. But as far as offering intelligent refutation, they are bankrupt.

THE IMPERATIVES

With regard to the 'constitutional argument' which the writer says has eclipsed the 'substantive debate', we say that no such eclipse occurred. The eclipse is in the writer's imagination due to his inability to comprehend the actual nature of the criticism leveled at the MPL proposal. While those who had presented the two arguments to which the writer alludes, have made these issues of the debate and argument, they have not made such issues their fundamental basis for opposition to the MPL.

The fundamental basis for criticism and opposition of all the Ulama-e-Haqq is the simple and grave issue of conflict with Allah's Shariah. Making technical noises devoid of meaning does not answer the fundamental arguments of the Ulama. Whether such conflict operates in the domain of 'the substantive aspects' or 'the constitutional imperatives' is of no significance. The issue is that the Immutable Shariah of the Qur'aan is assailed by MPL. Change and interpolation are being effected to the Qur'aan and Sunnah by the kufr MPL bill. This simple issue has not been correctly handled by the votaries of the MPL bill. They are desperately trying to sweep under the carpet this fundamental issue which is the very and only basis for the hue and cry of the Ulama against the kufr which the MPL measure espouses.

ALL ASPECTS

The attempt to create a division in the debate by categorizing the criticism of the Ulama into two compartments with the aim of diverting from the actual thrust of the condemnation, is truly a weak defence of the MPL proposal. Whether the offensive issues pertain to 'substantive aspects of the bill' or to 'constitutional imperatives', is immaterial. Of material importance is the Law of the Shariah. Whatever aspect of whatever domain it may be, is intolerable if it seeks to oppose, tamper with or change the immutable Shariah of the Qur'aan and Sunnah.

The attempt to categorize the opposition's argument is insipid to say the least. The entire argument against MPL consists of one homologous whole, viz., the Conflict with the Immutable Shariah. Everything will come within the scope of this Hammer of the Shariah which will strike down any interference in the Divine Commands known as the Shariah.

CURRENT

The issue of the "Shariah being exposed to constitutional attack and subject to arbitrary interpretation by the secular courts" is a probability which the pre-

senters of this argument have in mind. It is not their fundamental basis for the attack against MPL. These issues are further disadvantages which can come into operation at a later stage should the kufr bill be enacted as law.

The current issue of contention is something else —something which the MPL clique and the writer are desperately endeavouring to slide over and conceal in the attempt to obscure the very fundamental basis of the criticism of the Ulama-e-Haqq. That basis is the Conflict with the Shariah, be it in any domain of the bill or the constitution. Of imperative importance in this debate is the current fundamental basis, not future anticipated developments.

In the attempt to create a diversion from the actual basis of the Ulama, the writer states: *"Hence they reject legislation of the Muslim Marriages Bill and call for the status quo to be retained."*

This conclusion is baseless and misleading. "They" (i.e.the Ulama) are calling for the retention of the *status quo* not merely on the basis of the probability of the exposure of the Shariah to constitutional attack and secular court interpretation, but on the basis of the *status quo* affording us the opportunity to work around the constitution in a way to give full effect or closest effect to the Shariah. The discussion on various topics in this Bulletin throws ample light on this averment.

When the *status quo* does not produce conflict with the Shariah, it is highly improper to opt for a system in which the Shariah will be exposed to constitutional attack and interpretation by secular courts. Assuming that these are in fact the fundamental basis for the criticizing MPL, then too it is sufficient grounds for the opposition of the Ulama.

COUNTER ARGUMENT

In his rejection of the aforementioned argument presented by some Ulama, the defender of MPL presents the following dismal response: *"The argument that the Shariah will be open to constitutional attack in the case of legislation is not entirely correct or balanced supposition. The Shariah is open to constitutional attack both in the presence and absence of legislation. The fear that the Shariah would be tampered with or diluted by virtue of constitutional court rulings exists even today. Legislation or non-legislation of MMB will in no way alter or change this reality."*

This argument is baseless. It is devoid of substance because in the present dispensation the Shariah is not under constitutional attack nor is the Shariah being tampered with. What exists today is that government is according to the constitution. The secular courts are not in any need for interpreting the Shariah. Their path is clear. They have to follow the constitution and interpret in accordance with its demands. Anything which is in violation of the constitution is simply struck down. The need to interpret the Shariah does not arise since the constitution is supreme and there is no encumbering measure such as MPL to constrain the secular courts to interpret the provisions of the Shariah to conform to constitutional principles or imperatives.

While presently there is no state interference with the Shariah, MPL opens a wide doorway for such dangerous intervention. The right to interpret the Shariah is given to the kuffaar court by MPL. The resultant verdict of the court will be seen as a product of the Shariah by the man in the street since it will ensue under the aegis of so-called Muslim Personal Law. Hence, if the Ulama sanction this piece of kufr, the Muslim masses will be misled into believing that whatever kufr the secular court interprets

(Continued on page 8)

THE BASELESS SUPPOSITIONS OF A DEFENDER OF KUFR MPL

(Continued from page 7)

under the kufr MPL dispensation is the Shariah. The need for the Ulama to distance themselves, unambiguously and vociferously from the MPL measure is therefore imperative.

CONSTITUTIONAL ATTACK

Presently, i.e. without MPL, the Shariah is not under constitutional attack nor has it ever been the case. The constitution does not target the Shariah for any attack. It has its own immoral, kufr and ludicrous principles of corruption which were formulated and adopted without consideration of the Shariah—without targeting the Shariah—without singling out the Shariah as its opponent. The constitution is purely a product of the non-Muslim mind subservient to the *nafs*. To say that the Shariah is open to constitutional attack when this is furthest from the minds of those who had formulated the constitution or those who sit in the constitutional court to decide issues in the light of the constitution, is palpably untenable.

On the otherhand, with the introduction of MPL, the need will arise in a situation of conflict, for constitutional attack and striking down of any Shar'i principle or tenet which is in violation of the constitution. Presently, the aims of the Shariah are achieved by the process of circumvention and working around and within the framework of the constitution. In this way the best results for attaining Shariah compliant effects are assured.

Consider the case of Zaid who marries a second wife in terms of his Shar'i right accorded to him by the Qur'aan. Presently, there is no problem. There is absolutely neither constitutional attack nor court interpretation. There is no penalty of R20,000 nor any jail sentence. But in the aftermath of kufr MPL the scenario is horrible. The Shariah comes immediately under attack and baatil kufr interpretation. To criminalize Zaid's halaal Nikah, MPL presents:

(1) The validity and the imperativeness of obtaining the consent of a non-Muslim minister for the validity and legality of a Nikah which the Qur'aan declares valid, lawful and sacred without these external kufr encumbrances. These encumbrances proposed by MPL are open violations of the Shariah and an excess committed against the Qur'aanic Law on this issue.

(2) In the event that Zaid contests the illegality of his Nikah on the basis of his constitutional right of freedom of religion, the secular court will arbitrarily interpret the provisions of MPL so as to render the Shariah subservient to the constitution. Zaid's claim will be dismissed on the basis of an MPL which is constitution compliant, not Shariah compliant.

THE NEED

The need for court interpretation and the occasion for constitutional attack will develop as a consequence of acceptance of MPL. Such developments do not arise presently without MPL. The equation presented by the defender of MPL is thus utterly fallacious and misleading.

MINIMALIST

Stating the 'minimalist' case, the writer in defence of MPL, avers: "Hence they seek minimalist legislation recognizing Islamic marriages and hope to bind parties to compulsory mediation and voluntary arbitration."

Firstly, this was never the position taken by the Mujlisul Ulama. Secondly, we

believe that there is no merit in this 'minimalist' view. Thirdly, it never constituted part of the fundamental basis for the objections of the Ulama-e-Haqq of whatever persuasion they may be. Fourthly, MPL is not required for seeking recognition of Muslim marriages. The constitution recognizes the customary marriages of Blacks without the need to contract civil marriages. It goes further than this. Even civil marriages of Blacks without an antenuptial contract do not have the consequence of automatic community of property as is the case with the civil marriages of other communities.

Those who are interested in the recognition issue can petition the authorities to extend a similar concession to Muslim marriages whereby the effect of legal recognition without the encumbrance of automatic community of property may be achieved. And, this is quite possible without the need for MPL with its kufr provisions.

Assuming that such an objective cannot be achieved without acceptance of MPL, then we say that the Ummah has absolutely no need of such recognition of marriages which constrains us to submit to kufr and which causes us to accept a measure which tampers with the inviolable Shariah of the Qur'aan.

CONSEQUENCES

The consequences of legal recognition can be achieved without such recognition and without the need of the haraam MPL bill of kufr. There is ample room in the constitution permitting the operation of the Shariah if Muslims are conscious of their duty to Allah Ta'ala. As for those who have no concern for the Aakhirah and whose gaze is focused on only this material world, they are excluded from the ambit of our concern and discussion. They have linked up with the kuffaar and are not our concern. The defender of MPL has presented his 'minimalist' argument to detract from the main thrust of the objection and criticism of the Ulama.

MEDIATION

As for the compulsory arbitration / mediation argument, it does not in any way form part of the fundamental basis of the objection of those who are averse to MPL. Furthermore, compulsory mediation is not acceptable and cannot be imposed on unwilling persons or spouses. A husband has the Shar'i right to administer Talaaq without the need to resort to mediation. While mediation is meritorious and encouraged, it cannot be arbitrarily imposed.

With regards to voluntary arbitration, there is no need for any 'minimalist' legislation for its realization. Since it is a voluntary institution, the need for legislation does not arise. Thus, it is baseless to contend that voluntary arbitration forms part of the fundamental basis of the argument against MPL.

REJECTION

The defender of MPL alleges: "Total rejection of the Bill: What the rejection of the Muslim Marriages Bill does not solve or address is the key issue—what happens when parties fail to resolve their disputes and opt to petition the courts for relief? We have two scenarios

OUTSIDE THE SYSTEM WITH-
IN THE SYSTEM

Law will evolve with	
No Bill	Bill
No assessor	Assessors

Muslim/Non-Muslim judge
Muslim judge/advocate
S.A.Laws of divorce, custody,
Bill will apply etc. will apply

OUR RESPONSE

The application of S.A. Laws of divorce, custody, etc. becomes an issue in the following cases:

(1) The spouses or either one of them have no concern for the Shariah. They are not interested to have their lives regulated by the Qur'aan and Sunnah, hence they will resort to the secular court for a ruling. Such persons are not our concern. Our concern are those Muslims who have some fear for Allah Ta'ala, hence they elect to be governed by the Shariah.

Since this election will be voluntary, any Ulama forum can take up the matter to be resolved in terms of the Shariah. The parties concerned will accept the rulings of the Shariah and that will be the end of the dispute.

(2) A recalcitrant husband refuses to abide by the Shariah's ruling on the issues of custody and maintenance. In this case the wife may resort to the civil court as a stratagem and a lever to compel the husband to conform to the Shariah. The husband has no alternative but to comply because he fully understands that:

- Refusal to comply with the lenient and just position of the Shariah will lead to him having to pay maintenance until the age of 21 years in terms of the law of the land.
- He will be obliged to pay more than what the Shariah stipulates.
- He will have to bear such expenditure, e.g. university education, which the Shariah does not impose on him.
- He can be imprisoned if he defaults in paying the maintenance which the secular court has imposed on him.

In view of the sword of the secular court dangling over his head, there is no rational reason why a man will not comply with the Shariah's rulings on these issues.

If it is argued that a recalcitrant man can be compelled to comply with the Shariah by sounding the threat of the secular court, but there is no similar remedy for constraining a recalcitrant woman to conform to the Shariah if she insists on proceeding to the secular court, then we say:

Firstly, there is nothing in MPL to compel a woman to conform to the Shariah. Secondly, MPL entertains an inordinate bias in favour of women to appease the gender equality advocates. Thirdly, there is nothing to compel her to conform other than the Fear of Allah Ta'ala. She can violate the Shariah wantonly, as so many women do nowadays. They proceed to court to usurp the wealth of their ex-husbands by invoking the laws of the land. The kuffaar courts are exceptionally amenable to the haraam demands of women. Never can a woman who lacks Allah's Fear be compelled by MPL to waive her constitutional right in favour of submission to the Shariah. Fourthly, MPL does not offer relief in terms of the Shariah. In fact, it subverts the Shariah and upholds the matrimonial systems of the secular law. Fifthly, no one should be deluded by the devious arguments of the MPL clique. The problem with them is not the conservation of the rights of Muslims, male and female, as command-

ed by the Shariah. Their concern is the woman. Their obsession with the female accords not only priority to exaggerated and inflated 'rights' of women, but constrains them to ignore the Shar'i rights of men. Sixthly, anyone who has some perception of the sinister reality underlying MPL and its parent IFL, will understand that the whole confounded exercise is not to ensure the operation of the Shariah, but is to promote imagined rights for women — such rights which conform to the "international norms of women's rights"

SOLVING THE ISSUE

From what has been explained above, the claim that total rejection of the bill of kufr does not solve or address the 'key issue' is devoid of intelligent substance. The question: "What happens when parties fail to resolve their disputes and opt to petition the courts for relief?", is extremely puerile. The parties will do what their nafs desires in this secular state, if they are bereft of Deen and Taqwa.

If they have any fear for Allah Ta'ala and understanding of the accountability in the Divine Court in the Aakhirah, then there is absolutely no problem. They will wholeheartedly submit to the immutable Qur'aanic Shariah and bow their heads in submission to Allah's command stated in the following aayat:

"By your Rabb! They do not have Imaan as long as they do not appoint you (O Muhammad!) as the judge in their mutual disputes. Then, they do not find within themselves any objection regarding your verdict, and they submit (to the Shariah) wholeheartedly."

(Qur'aan)

Those who raise any objection even in their hearts to this divine position are beyond the ambit of our discussion. They are not our targets. They belong elsewhere to some cult of kufr. Assuming that the kufr MPL bill is in compliance with the Shariah (which ofcourse it is not, hence its kufr label) and the coercive power of the state is invoked to compel acceptance of MPL provisions, then too, there is no goodness in such compulsion because such people who reject Allah's Shariah do not remain Muslim if they are coerced by the state's compulsion to submit to the supposedly Shariah-compliant provisions of the kufr bill.

If the recalcitrant man is the source of the problem leading to the breakdown of talks to resolve the dispute, the woman can sound the threat of petitioning the court. This will bring the man quickly to his senses to submit to the Shariah and fulfil her Shar'i rights — not kufr 'rights' — not 'rights' compliant with international norms of women's rights.

In short, whatever relief openings an oppressed woman is imagined to have after MPL, such avenues are open for her even now. After MPL she can petition the court for relief, and so may she do now. The bottom line is that the secular constitution gives her this right. It rests on her to abuse this right and perpetuate *zulm* against the man, or utilize it constructively and justly to compel the man to honour her Shar'i rights, not as propounded by kufr MPL, but as awarded to her by the immutable Shariah of Allah Azza Wa Jal.

We desire to apprise the MPL molvis and others of their ilk, that this discussion is inseparable from the Aakhirah and the moral code of Islam. Such dimensions have to be incumbently introduced in this discussion. This discussion cannot be conducted in isolation of the effects of obedience and disobedience to the Commands of Allah Ta'ala.

TWO SCENARIOS

In the first of the two scenarios posited by the defender of the bill of kufr, the first imagined disadvantage presented in

(Continued on page 9)

THE BASELESS SUPPOSITIONS OF A DEFENDER OF KUFR MPL

(Continued from page 8)

the wake of a breakdown in mediation talks of the parties, is “*NO BILL*”. So what if there is no bill of kufr to which recourse could be made? In fact, the entire thrust of the anti-MPL organization is to scuttle this innocuous MPL bill. There being no such bill for recourse is no handicap. A bill of this nature provides no true Shar’i relief. Its absence is thus not a disadvantage.

The second disadvantage cited is “*NO ASSESSORS*”. So what? Just as “*Outside the system*” court is a kufr court, so too is a court “*Within the system*”. Both scenarios are of the same kind — kufr. In fact, the MPL system is worse than the plain unadulterated kufr system. While this plain kufr system allows latitude for maneuvering to achieve the aims of the Shariah, the MPL system precludes such moves.

As for the false impression which the defender of MPL seeks to create in relation to assessors, the MPL provision reads: “*If any dispute is referred to a court for adjudication, the following provisions shall apply:*

- (a) *The Judge President or other head of the court which has jurisdiction, shall appoint a Muslim judge from that court to hear such dispute, and if there is no Muslim judge, the Minister for Justice and Constitutional Development shall appoint a duly admitted practicing Muslim advocate or attorney of at least 10 years’ standing as acting presiding officer: Provided that in urgent matters and in cases of an application under Rule 43 of the High Court Rules, the matter may be determined by a non-Muslim judge sitting without assessors.*” (Emphasis ours).

So much for the assessors red herring!

The ultimate verdict is issued by a **non-Muslim judge sitting without assessors**. This judge without assessors will determine the verdict of the ‘shariah’ by interpreting the MPL bill of kufr in the light of constitutional imperatives., yet the defender of this iniquitous measure seeks to dupe and mislead Muslims with his claim of Muslim judges and Muslim assessors.

Let us now examine the ‘Muslim’ judges and assessors provided for in the MPL proposal. The significant facts which militate against the Shariah in this regard are:

- The non-Muslim Judge President or other head of the court shall appoint a ‘Muslim’ judge. The Personnel of the Shariah (viz., the Ulama-e-Haqq) will have no share in this appointment.
- If there is no Muslim judge available, the non-Muslim Minister of Justice will make the appointment. The appointment will be made at his discretion and will. The ostensible criterion for such an appointment is not Shar’i. The determinant is 10 years of practicing as a secular attorney or a Muslim judge.

It is no secret that while secular judges may be Muslim by birth, their beliefs are generally repugnant to Islam. Their background liberal kufr training at secular institutions has moulded them in a western pattern and has painted them in colours of their western masters. The years of issuing verdicts in total conflict with the law of Allah Ta’ala has desensitized their Imaan. They come within the

Qur’aanic classification : “*Verily, they are the kaafiroon.*” By no stretch of imagination are they Qaadhis who can decide in accordance with the Shariah. The Muslim judge will simply be compounding his kufr beliefs since he will have to incumbently operate, interpret and decide within the confines of ‘constitutional imperatives’. Such a hybrid court has no jurisdiction over Muslims.

The interpretations and decisions of the secular Muslim judge will be identical to those of a non-Muslim judge. It is ludicrous to believe that a sane Muslim will accept that the secular Muslim judge has the power to set aside the constitution and decide in accordance with the Shariah. The Judge being a Muslim thus serves no valid Shar’i purpose.

The requirement of a Qaadhi is not only that he be a Muslim. A fundamental requisite is that he has to decide according to the unadulterated pure immutable Shariah of the Qur’aan. He cannot subject this Shariah to interpretation in the light of the atheistic constitution. Thus the provision for a Muslim judge is meaningless and does not satisfy the demand of the Shariah.

In view of this position of the Shariah it is misleading to claim that Muslim judges will be in charge of the affairs of the Shariah. The defender of MPL has attempted to hoodwink Muslims and trick them into believing that the court’s verdicts will be fully in compliance with the Shariah. He endeavours to succeed in this dubiousness by the claim of the judges being Muslim. Firstly, the provision is explicit that a non-Muslim Judge sitting without assessors has the final say in terms of the High Court’s rules. Secondly where the judge happens to be a Muslim by birth, his decisions have to incumbently comply with the country’s constitution, not with the Shariah. At the peril of losing his Imaan, the judge simply has to rule against the Shariah if the command of Allah Ta’ala violates the constitution. In so doing, he is covered by the scope of the Qur’aanic aayat: “*Those who do not issue verdicts according to the law revealed by Allah, verily, they are the kaafiroon.*”

SPECIALIZED KNOWLEDGE?

Clause 15 (1) (b) of the bill of kufr reads:

“*the court shall be assisted by two Muslim assessors who shall have specialized knowledge of Islamic law.*”

This is another red herring. It is a deception to mislead Muslims. In terms of the Shariah it is a meaningless stipulation. A court presided over by a judge, be he a Muslim, who is subservient to a kufr constitution and who is bound head and foot to interpret the Shariah to conform to the man-made constitution is not a Shar’i court. Such a court has absolutely no jurisdiction over Muslims. Such a court does not represent the law process of the Shariah.

Of vital importance is also to understand that the verdict of the court is the decision of the judge, not the advice and views of the assessors. Even if the assessors happen to be Ulama, the verdict has to be that of the judge who in term of the High Court’s rules can be a non-Muslim. This non-Muslim judge is furthermore, not bound to have Muslim or even non-Muslim assessors.

The ‘specialized knowledge’ of the assessors is therefore of no benefit in that it produces no Shar’i consequence which

could render the court’s verdict a Shar’i decision binding on Muslims. This imagined advantage presented by the defender of MPL thus falls flat And, even the assessors will be appointed by the non-Muslim Minister of Justice at his sole discretion. The Minister is under no legal obligation to consult the authorities of the Shariah to ascertain the qualifications of the assessors. It goes without saying, that the secular Muslim judges and attorneys will be his advisors who will influence the appointment of the assessors. And, even if it is not so, the presence of Muslim assessors with “specialized” Islamic knowledge serves no purpose since the very structure of the court is un-Islamic and has no Shar’i validity.

THEIR CAPACITY

No.15 (2) of the MPL draft bill explicitly states that the assessors “*shall act in an advisory capacity*”. Although this observation is superfluous and redundant it does give further credence to the claim that the court envisaged by MPL kufr is thoroughly secular, un-Islamic and possesses absolutely no jurisdiction over Muslims in terms of the Shariah. The Muslim assessors with ‘specialized knowledge’ are not the judges. They are mere advisors whose advice the judge can reject.

APPEAL

Furthermore, the MPL bill clarifies that the verdict of the lower court where a Muslim judge presides is subject to appeal to the Supreme court which can have a non-Muslim judge to decide the issue. The Supreme Court as all and sundry are aware, can strike down the judgment of the lower court regardless of the decision there handed down by a Muslim judge sitting with Muslim assessors.

WRITTEN COMMENT

The “written comment of two Muslim institutions” provided for by No.15 (4) of the MPL bill does not salvage the kufr situation. The impasse remains simply because the comments of the two Muslim assessors are not binding on the judge who may be a non-Muslim. Neither do these comments oblige the judge, whether non-Muslim or Muslim, to issue a decision compliant with the Shariah, nor is the judge compelled to submit to these comments. For him, the constitution of the country is the supreme god for which he has to incumbently sell his Imaan and prostrate. A Muslim judge who on a daily basis decides in conflict with the Shariah the variety of litigation with which he deals, has long ago abdicated from Islam. He has bartered away his Imaan for the miserable gains of this transitory world. By what stretch of imagination do the *juhhaal* defenders of MPL accept the decisions of such a judge to be the Shar’i verdicts of a Qaadhi of a truly Islamic court in Daarul Islam? Their skullduggery boggles the Muslim mind.

APPLICATION OF LAW

Let us now scrutinize the imagined advantage of the application of *the BILL*. It is alleged that working outside the MPL system leaves us with the only option of resorting to S.A.Laws of divorce, custody, etc., while working within the MPL system presents the “advantage” of the application of the MPL bill.

There is no advantage for Muslims in a measure which is in conflict with the Shariah but is being propagated as being in compliance with the Shariah. It is a massive deception to believe that a ‘law’ which tampers with and alters the Shariah in the name of Islam can hold any benefits for Muslims. Both, S.A. Law

and MPL law which will be part of S.A.Law should it be accepted by the authorities, are un-Islamic. But, MPL in addition to being un-Islamic is also anti-Islamic in that its goal is the changing and elimination of the immutable Shariah by the kufr process of *baatil* reinterpretation, i.e. to interpret away the interpretation presented to the Ummah by Rasulullah (sallallahu alayhi wasallam) and the Sahaabah.

The MPL bill has nothing by way of Shariah to offer Muslims. There is, therefore, no need to sue for its application, just as there is no need for true Muslims to resort to S.A.Law in the event of a breakdown in mediation talks. There is no incumbency to adopt any of the two un-Islamic systems because the law of the land does not impose such adoption on Muslims although the votaries of MPL are clamouring and labouring for the mandatory application of their kufr proposal. Nevertheless, right until this present time, S.A.Law does not compel Muslims to adopt it if a dispute between parties cannot be resolved.

The defender of MPL has posited two scenarios. Let him know that there is a third option which is the Shariah. If both parties are true Muslims, they will submit to Shar’i arbitration (*Tahkeem*). This option will satisfactorily resolve the issue. If only the wife is agreeable to submit to the Shariah, not the husband, the Ulama Council can proceed with the matter. Although in this case the Shar’i device of *Tahkeem* will not apply, the Ulama or any responsible, uprighteous group of Muslim laymen acting under the guidance of the Ulama, can take up the matter and hear the plight of the woman and issue a ruling in terms of the Shariah.

What happens if the husband refuses to abide by such a ruling? This is the main question which the MPL crowd poses in order to dupe Muslims. In view of the Ulama having no coercive power to enforce their decisions, the MPL clique trades the idea that the rulings issued by the Ulama Forum are redundant. This is a colossal deception perpetrated to mislead Muslims and trick them into accepting kufr MPL in the name of Islam.

If the man refuses to comply, the woman can be advised to wield the threat of proceeding to the secular court for relief. As explained earlier, such a threat will suffice to bring the unjust man to his senses. He is far better off in submission to the Shariah than under the yoke which the non-Muslim court will strap him with.

It will now be understood that opting for any of the two kufr systems is not imperative. There is absolutely no incumbency on Muslims to adopt any particular un-Islamic and anti-Islamic system to resolve any of their marital or inheritance, etc. matters.

In the light of the foregoing explanation it is obvious that oppression by husbands or ex-husbands can be correctly handled and eradicated by utilizing the civil court to pressurize the man to submit to the Shar’i rulings administered by either an Ulama Council or a Council of responsible, Deeni-inclined laymen acting under guidance of an Aalim of Haqq. The Shariah does not restrict membership of such a group to the Ulama.

We reiterated that those who have no care for the Shariah cannot be compelled to submit to the Shariah. They will invoke their constitutional right to be governed by the law of the land. Our concern is therefore only with Muslims who are Muslim at heart. The munaafiqeen, murtaddeen and others of similar persuasion are beyond the pale of our discussion.

THE BASELESS SUPPOSITIONS OF A DEFENDER OF KUFR MPL

ARBITRATION

The defender of MPL further states:

"The minimalist approach is also not practical because the Arbitration Act as it stands specifically excludes matrimonial disputes to be resolved by arbitration."

Extolling the MPL Arbitration provisions, a member of the MPL project committee avers:

"Spouses may in a marriage contract incorporate an appropriate provision that any and all matrimonial disputes would be resolved through arbitration. Such a provision would ensure that matrimonial disputes are resolved privately, without resort to the Courts, thereby avoiding perceived state interference."

The exclusion of matrimonial disputes from the Arbitration Act of South Africa has absolutely no impact on Muslim matrimonial disputes. We perceive no impediment in such exclusion. This exclusion does not disadvantage Muslims in any way. Bringing up this issue is therefore redundant. The incorporation of an arbitration provision in a marriage contract is not a boon conferred to Muslims by MPL.

It is indeed childish and nonsensical for the defenders of MPL to present such hollow contentions devoid of substance, as justification for a proposal which drastically interferes with the Shariah and which is loaded with kufr.

Resolving matrimonial disputes by arbitration is not something foreign to Islam. *Tahkeem* is an Islamic institution and has been available for Muslims since the inception of Islam. What need is there for the inclusion of an arbitration provision in the marriage contract? The spouses are always free to resolve their disputes privately without recourse to the secular courts. The avenue of *Tahkeem* is always available regardless of what the law of the land has promulgated and what MPL has proposed.

Furthermore, it is not permissible for Muslims to petition for arbitration in terms of the secular Arbitration Act which is in conflict with the Shariah. The Shariah has its own brand of *Tahkeem* which differs from the South African and the MPL kinds.

When Muslims have the right of taking the arbitration route at any and all times to resolve their disputes of whatever nature, then it is really redundant and puerile for MPL to incorporate in its bill the following:

"Notwithstanding anything to the contrary contained in the Arbitration Act 1965 (Act 42 of 1965), or any other law, the parties to a Muslim marriage may agree to refer a dispute arising during the subsistence of such marriage or otherwise arising from such marriage to an arbitrator, to be resolved through arbitration."

A meaningless and empty provision — simply unintelligent noises.

If the ruse underlying this provision is to promote the idea that Muslims under MPL are free to follow the Shar'i process of *Tahkeem* without hindrance of the Arbitration Act, 1965, then the following provision of MPL effectively negates this perception:

"Subject to subsection (4), the provisions of the Arbitration Act, 1965, shall apply to an arbitration conducted in terms of this section."

It should be clear that the defenders of MPL are dwelling in confusion and going about in circles trying to sell the idea of a pure Shar'i institution of *Tahkeem* unfettered by the secular Arbitration Act, when in reality there is nothing of the sort as is clearly established from the encumbering provisions stated in the MPL bill.

The secular arbitration process is a mere outer façade or a shadow of the Shariah's institution of *Tahkeem*. While the verdict of the *Hakam* (arbitrator) is binding on the parties who had voluntarily elected for arbitration, the non-Muslim High Court has the final say. The MPL bill is clear on the issue of the High Court's authority. Thus, it states: *"No arbitration award affecting the welfare of minor children or the status of any person shall come into effect unless it is confirmed by the High Court"*

In this scenario, the non-Muslim High Court has the authority to set aside the ruling of a Shar'i *Hakam* who has decided in accordance with the Qur'aan and the Sunnah—the Immutable Shariah of Allah Ta'ala. Irrespective of the profound Deeni Knowledge, Taqwa and experience the Shar'i *Hakam* may enjoy, a non-Muslim judge ignorant in entirety of the Shariah, wallowing in the *khubth* of kufr and in a state of perpetual *najaasat* and *janaabat*, has the authority to set aside and strike down the provisions of the immutable Shariah invoked by the *Hakam*.

This authority of the secular court is not objectionable. We are not attacking the validity of the High Court's power and authority to set aside the Shar'i *Hakam's* verdict which complies with Allah's Shariah. It is accepted that in a secular state there cannot be two separate systems of law, the one system operating in conflict with the law of the non-Muslim land. What is objectionable and despicable is that a proposal fabricated by so-called Muslims and presented falsely on behalf of the Muslim community, and in the name of the Shariah, encumbers the Shar'i process and makes it subservient to the laws of kufr. Then to crown this attitude of kufr, they have the blatant audacity of claiming that their evil measures are compliant with the Shariah.

DIRECTIONS?

In negation of the Shar'i authority of the *Hakam*, MPL states: *"...the court must be satisfied that the award is in the best interests of all minor children and to this end the court may:*

- (b) *declare the whole or any part of the award to be void.*
- (c) *Substitute the award for another award which the court deems fit*
- (d) *Vary the award on appropriate terms, or*
- (e) *Remit the matter to the Arbitrator with appropriate directions."*

"The best interests of the children"? The non-Muslim court can never decide what constitutes the best interests and welfare of Muslim children. The Islamic social and moral system differs vastly from the western and other alien systems of life. What is repugnant to Islam is adorable to western culture and vice versa. What is immoral in Islam is moral and enlightened in western culture. On the basis of the non-Muslim court's interpretation of the 'best interests of the children', the Shar'i

decision of the *Hakam* can and will be dismissed. Yet the MPL crowd expects Muslims to accept that its provisions are Islamic and Shariah compliant.

Who does the MPL clique think that it is befuddling with the concoctions it has brewed in its bill of kufr? By the *fadhl* of Allah Ta'ala, it shall not be allowed to escape with its deceptions, hybrid provisions and sinister designs. The Muslim community must necessarily be educated to understand the kufr implications of this sinister bill. Muslims have to realize that MPL is the antithesis of the immutable Shariah. No matter how dexterously this clique endeavours to manoeuvre, the atrocity of its concoction is too conspicuous and reeks of the evil stench of kufr. Hence the notoriety of this concoction will not remain concealed and covered up for long.

The stipulations of the MPL proposal in relation to Arbitration explicitly and emphatically negate any Shar'i award which the *Hakam* makes. Such negation by the court makes a mockery of the superfluous provision which could be incorporated in a marriage contract. It makes a mockery of the exercise and a mockery of the Shar'i institution of *Tahkeem*. Effectively there is no Shar'i *Tahkeem* in terms of the MPL kufr concoction although a vain attempt has been made to convey to Muslims that the right of the spouses to invoke their inherent Shar'i right to resort to *Tahkeem* is upheld and confirmed by MPL. This is a blasphemous lie.

JURISDICTION

In a shameless denial of the Shariah's authority, MPL states: *"Nothing in subsection (5) shall be construed as limiting the court's jurisdiction under any law to review an arbitration award insofar as it relates to a property dispute which does not affect the rights or interests of minor children."*

In spite of subsection (5) already having conferred the widest latitude of authority to the High Court to arbitrarily strike down the Shar'i award, MPL feels the imperative need to extend this authority further to make assurance doubly sure that the Shariah stands absolutely no chance against the non-Muslim court's verdict, hence the draconian provision mentioned above.

The arbitration argument presented in defence and justification of MPL is truly the weakest of all. It gives the distinct impression of a drowning man clutching at straws or of a man in the throes of death gasping for breath. Bereft of intelligent and valid arguments for substantiating MPL, its votaries resort to such flimsy pretexts and baseless assertions which deceive men of shallow understanding and deficient Shar'i knowledge.

"THE MINIMALISTS"

The defenders of the MPL concoction should understand well that the objections to MPL do not centre around the issue of arbitration and recognition of Muslim marriages nor is the request for amendment to the Arbitration Act and for recognition made by some Ulama of fundamental importance to those opposed to MPL kufr. The primary basis for the objection of **'the minimalists'** is the kufr inherent in the MPL bill.

If the authorities cannot afford the Muslim community recognition of marriages (which is an insignificant demand) in the way they recognize the customary marriages of Blacks, then the Muslim community is satisfied with such discrimination effected by the state on the basis of creed in spite of violation of the constitutional right of Muslims in this respect. As long as Mus-

(Continued on page 11)

ARBITRATION

(Continued from page 10)

lims are not criminalized for effecting their marriages and divorces according to the Qur'aan and Sunnah as the evil proposed legislation of MPL demands, we can live as we have lived, with our marriages regarded as invalid, but not illegal. The recognition of the validity of Muslim marriages by Allah Ta'ala and in the Heavens is adequate for Muslims. Since the very inception of the Muslim community in South Africa this has been the case and there are no adverse effects which develop in the wake of non-recognition of Muslim marriages.

Problems develop due to ignorance and indifference to the Law of Allah Ta'ala. When a Muslim desires to emulate aliens and he ignores the Shariah, then he can expect problems. However, if such a Muslim realizes his folly and desires to correct his errors, this is still possible within the framework of the law of the land. On the other hand, the problems which MPL creates are vile and infinitely worse than what non-recognition of Muslim marriages creates.

FALSEHOOD

The defender of MPL further seeks to create the notion that without the kufr bill:

“Muslim matrimonial disputes would be resolved according to South African law of maintenance, custody, etc.”

This is a claim of falsehood. Presently there is no MPL. In spite of its most welcome non-existence, there is no imperative need for taking Muslim matrimonial disputes to the secular courts. Only those who are bereft of concern for Allah's Deen resort to kufr institutions for relief which in terms of the Shariah is not relief, but is oppression and usurpation. As mentioned elsewhere in this Bulletin, such persons are beyond the ambit of our discussion and concern. They are free to join the MPL crowd and make their exit from Islam.

As for those Muslims who fear Allah Ta'ala, the avenue of *Tahkeem* is available for resolving their disputes. In fact, there is no need for even arbitration to resolve a dispute if Muslims agree to submit to the rulings of the Shariah

As for the issue of dealing with recalcitrant husbands who have assumed it upon themselves to spite their wives — withholding maintenance as well as Talaq — let it be known that this is the simplest of all marital issues. If the man refuses to submit to the Shariah, the marriage will be annulled forthwith, with or without his co-operation. The woman is thus set free to go her way and do as she pleases.

In this scenario if the ex-husband refuses to maintain his minor children, the woman has the option of recourse to the secular court to compel the man to submit to the verdict of Islam. The biggest bogey with which the MPL crowd seeks to scare Muslims into acceptance of MPL is that due to the Ulama not having coercive power, the decisions of the Shariah cannot be enforced on an unco-operative or spiteful man. Well, this is their biggest lie.

CONTROL

The defender of MPL states:

“Neither is the fear of Muslim institutes losing (losing) control over the affairs of the Muslim community valid, since this control is lost once parties choose to go to court, irrespective of whether such parties are bound by the relevant Act or not.”

Another flimsy and deceptive argument tendered in the attempt to negate the stand of the anti-MPL organization. If this fear was in fact presented as a ground for opposing MPL, we too feel that it has no validity because in reality Muslim institutes in this secular country governed by its constitution have absolutely no control over any of the affairs of the community.

AMR BIL OOF

The Ulama merely execute the obligation of *Amr Bil Ma'roof Nahy anil Munkar* (Commanding righteousness and forbidding evil). They act in an advisory capacity proffering advice and admonition for the good of Muslims. No one has or can claim that Muslim institutes enjoy control over the affairs of Muslims.

This fear is imaginary and should never form part of our objection against the bill of kufr. In fact, the Ulama should not entertain the desire to be in control of the affairs of the community. Such a desire is a sure sign of the presence of the malady of *hubb-e-jah* (love for worldly acclaim). The Ulama in particular have to examine their hearts and cleanse themselves of any such

worldly contamination.

Such a baseless fear may be in a small minority of Ulama who were deprived of the *Suhbat of the Saaliheen*. Our duty is only to proclaim

the Haqq.

“And upon us is only the proclamation of the clear Message (of Allah's Shariah).”
(Qur'aan)

THE STUPIDITY OF THE CONCLUSION

In the conclusion of his defence, the writer states:

“The call for total rejection would be valid if it safeguarded the shariah from such constitutional requirement. Likewise the minimalist approach would only make sense if it precluded the right of parties to petition the courts for relief, by means of compulsory arbitration.”

The deviousness of this conclusion and its contradiction are not difficult to fathom. The veneer is too thin for proper concealment. In fact total rejection *does* safeguard the Shariah from state interference. Hitherto the state has not interfered in the Shariah. The promulgation of laws which conflict with the Shariah should not be interpreted as state interference with the Shariah in view of the fact that such laws enacted by the state are not spawned with the motive of suppressing the Shariah nor is the Muslim community singled out for the application of such laws.

Hence, when the kufr constitution legalizes, for example, abortion and prostitution, it does so in the light of current non-Muslim norms and ideas, not because it has a vendetta against Islam. Animosity for the Shariah does not feature anywhere and at any time when the state promulgates its laws.

It is therefore, palpably erroneous to conclude that ‘total rejection would be valid only if the laws of Islam could be safeguarded in a non-Muslim country governed by its own constitution.

SAFEGUARD?

Let us now see in which way does MPL safeguard the Shariah from state interference. In fact, the charge which the miscreant levels against the Ulama rebounds squarely on the MPL clique. This misguided group masquerading as champions of Islam, is in fact inviting the state to interfere in the Shariah, to interpret its *Ahkaam*, to mutilate its requirements and to buffet the entire Shariah into submission to comply with the constitution.

The authority of the courts is the prime device employed to ensure that the state effectively interferes with the Shariah. After MPL, the courts will deem it their right and within the ambit of their jurisdiction to interpret the Shariah in the light of the constitution to ensure the supremacy of the country's laws.

Besides state interference, the very MPL concoction is a glaring example of interference with the Shariah. When the MPL clique proclaiming its members to be Muslim, has the dastardly audacity to tamper with the Shariah in spite of it being a toothless dog, we can imagine the scale of state interference with the Shariah in the wake of MPL being accepted as law. The fear of state interference is thus valid and real.

To this day the Ulama have safeguarded the Shariah from alien interpolation. The state did not venture to interfere with the Shariah to this day. The issue of safeguarding the Shariah against such intervention simply does not arise.

In response to the minimalist argument tendered by the defender of MPL, we say that even after MPL, the constitutional right of Muslims to resort to the courts to embrace the laws of kufr cannot be precluded. The first right of the citizen in this country is his constitutional right, not rights conferred by MPL or any other secondary law.

While there is a degree of sense in the minimalist approach there is absolutely no Islamic sense in the MPL approach which is a sinister plot to eliminate the Shariah in the long term. The present MPL move is merely a feeler and a stepping stone for the attainment of the long term goal.

A SHAMELESS LIE

The defender of the bill of kufr avers:

“Only proper statutory recognition of Muslim marriages and their consequences based on defined parameters of a shariah compliant bill can ensure and protect the shariah from being subsumed by the dominant legal system, only such statutory recognition based on the relevant bill can minimize or eliminate unconstrained judicial intervention.”

A lot of meaningless words and phrases put together to

deceive and mislead Muslims! The MPL crowd is adept at sidestepping and being elusive. It has hitherto hopelessly failed to adequately respond to a single objection and charge of kufr leveled at the MPL bill. It seeks to befuddle Muslims with flowery terminology and legal jargon in an endeavour to awe the audience. But this silly stratagem cannot ensure credibility for MPL nor save the skins of those who are spawning kufr in the name of Islam.

Which provisions of the MPL bill ensure “proper statutory recognition of Muslim marriages and their consequences”? What are the consequences of such ‘statutory recognition’? At what price is such ‘statutory recognition’ acquired? Do the conditions for the acquisition of such ‘statutory recognition’ impinge on the Shariah or not? What are the benefits of such ‘statutory recognition’? And, how does non-recognition affect Muslims?

The MPL clique has to rationally, not emotionally as it is their characteristic, respond with adequate substance, citing in support their clauses and provisions as these apply to every question.

And what are the “defined parameters of a shariah compliant bill”? Is the present MPL bill within the ambit of the “defined parameters”? Is the bill ‘shariah compliant’? We have already conclusively proven with copious examples and citations in a number of past Bulletins that this evil bill is NEVER SHARIAH COMPLIANT. Rather, the converse is true. It is a concoction of kufr. In which way does this bill protect the Shariah? Refrain from ambiguous statements and meaningless phrases. Explain precisely in which way does the bill protect the Shariah when it in fact dismantles the Shariah, interpolates the Shariah, tampers with the Shariah and makes this immutable Shariah subservient to the demands of kufr and secular law.

Never does this bill save the Shariah from being subsumed by “the dominant legal system”. On the contrary it has created the devices for the Shariah to be subsumed and eliminated. Our numerous discussions in this Bulletin and in previous bulletins adequately and conclusively prove our contention.

RECOGNITION

These people have absolutely no shame and no skin on their faces. They claim: *“Only such statutory recognition based on the relevant bill can minimize or eliminate unconstrained judicial intervention.”*

By what standard of logic and truth can this miscreant make this averment when the very bill of kufr maximizes unconstrained Judicial intervention in Shar'i processes. A careful study of the bill confirms this fact beyond any vestige of doubt. The restraints on polygamy, the abolition of the Shariah's age of consent, the court's overriding authority to strike down the Shar'i awards of the Shar'i *Tahkeem* institution, the preposterous monetary penalties, the consent of non-Muslim ministers to enter into Nikah, the un-Islamic constitution of courts which will decide and interpret pure Shar'i issues, the imposition of alien matrimonial systems, the court's authority to order distribution of a man's wealth in terms of kufr matrimonial systems, the court's decision to award maintenance in the light of the norms which must ensue from the godless constitution, etc., etc. are all more than ample testification for unconstrained judicial intervention for which MPL caters.

VIABLE?

The defender of the bill of kufr alleges: *The Muslim Marriages Bill offers the most viable and practical solution within our given legal reality since it will legally allow spouses to resolve their disputes via mediation and arbitration in accordance with mutually acceptable terms of reference. This is a unique and extremely valuable alternate (alternative) to the spouses.”*

He has spoken utter drivel. Spouses are presently legally allowed to resolve their disputes by arbitration or mediation. The state does not proscribe this Shar'i right of Muslims. Everyone is free to resort to arbitration.

As for the ‘mutually acceptable terms’, the only terms acceptable to Muslims are such terms which are allowed by the Shariah, and the state does not interfere with the Shar'i process of arbitration. Muslims are unfettered in this regard. What is so unique in the arbitration provision of MPL? The uniqueness is its tampering with the Shariah and mutilating the Islamic system of arbitration beyond recognition. This vile bill of kufr ensures that the Shar'i process of Arbitration is made subservient to the courts and allows maximum judicial interference with this process of the Shariah. The claim of the MPL defender is too stupid and does not require further intelligent criticism.

SHARIAH RULINGS

The defender of MPL brazenly states the following
(Continued on page 12)

ARBITRATION

(Continued from page 11)
falsehood without batting an eyelid:
“If such dispute resolution efforts fail. The MMB is the only avenue that will ensure that courts are bound to pass pronouncements in keeping with shariah rulings embodied in the relevant bill?”

Which Shariah rulings? And where in the ‘relevant bill’ are they ‘embodied’? The kufr bill is bereft of any such Shariah rulings which oblige the non-Muslim court to “pass pronouncements in keeping with the shariah”. We have already discussed above, the arbitration issue and have shown the glaring conflicts with the Shariah. We fail to fathom the idiocy of this ignorant defender of the MPL bill. From the sweeping statements of falsehood he makes it gives us the distinct impression that he has not studied the bill and someone else has prepared the article of defence which he circulates in his name.

In order to disprove us, it is imperative that this miscreant cites the shariah rulings embodied in the relevant bill which would constrain the court to issue its verdict accordingly. In fact the opposite is the truth. The courts will interpret the Shariah to render it submissive to the constitution and to make it compatible with the laws of the land.

DILUTION

In another mental gimmick, the defender of the kufr bill, says: “The legitimate concern however is that despite the presence of the bill and the proviso for assessors the provisions of the bill are open to interpretation by the presiding judge. This concern has to be weighed against the potential of complete dilution of Islamic law in the absence of the bill, arising from unconstrained judicial intervention.”

Immediately before this statement, he contradicts himself in his paper by claiming that the courts are bound to pronounce in accordance with Shariah rulings embodied in the bill. Yet, immediately thereafter he makes the above averment in which he clearly states that the presiding judge will interpret the provisions of the bill. What type of ‘shariah ruling’ will the non-Muslim judge’s interpretation yield? Is this the

meaning of a Shariah compliant bill? If this is their undersatanding of compliance with the Shariah, they should be told that it is more in compliance with kufr, not with the Shariah. The constitution of the country is a masterpiece of kufr. The non-Muslim court has to incumbently interpret the Shariah to conform with this kufr, hence the resulting product is nothing but kufr which the MPL proposal espouses.

The claim of the Shariah being completely diluted or displaced in the absence of the kufr bill is ludicrous and utterly baseless. There never has been MPL in South Africa, yet the Shariah is intact. Muslims are able today to regulate their marital, divorce, custody, maintenance and other affairs in accordance with the unadulterated Shariah. Those who refuse to submit to the Shariah now will refuse to do so even if and when MPL is accepted. MPL cannot compel them to abandon their constitutional right of demanding to be governed by the constitution, and not by MPL or any other system. Hitherto there has been no ‘unconstrained judicial intervention’ in the Shariah. The courts simply decide matters in accordance with the laws of the land without any overhanging shadow of the Shariah. The process of dilution and total displacement of the Shariah will be a consequence of MPL with its un-Islamic and anti-Islamic provisions designed to make the Shariah compatible with the constitution. But forging such a compatibility is absurd and the end result is kufr.

SUMMARY

The summary of this rebuttal of the baseless defense of the MPL bill of kufr is:

- (1) The fundamental basis of our opposition is the wholesale tampering with the Shariah.
- (2) There is a sinister motive underlying the MPL exercise. That motive is the elimination of Islam.
- (3) The originators of MPL are kuffaar from across the seas, viz. in the U.S.A.
- (4) As far as the Ulama are concerned the debate does not centre around two different

‘fundamental’ issues. There is only one issue, and that is: MPL is the unraveling of the Shariah. It introduces measures which subtly erode the Shariah with the long term motive of destroying Islam.

- (5) The premises of the Shariah being immutable is rejected by the MPL crowd whereas the Shariah is inviolable, immutable and the Law of Allah with which tampering is kufr, rendering the interpolater a murtadd.
- (6) Irrespective of the domain which produces the kufr, it forms part of the single fundamental basis on which the structure of opposition is raised. Thus, it matters not if the kufr is the result of conflict with the Shariah in relation to “the substantive aspects of the bill” or it pertains to “the constitutional imperatives within which the bill must operate”. All kufr is a single breed. It produces the same effect of irtidaad.
- (7) Total rejection is the only proper and Islamic response to the MPL bill of kufr.
- (8) The ‘minimalist approach’ is not of significance. It does not form part of the fundamental basis of our objection against the bill of kufr.
- (9) The argument that the Shariah will be under constitutional and judicial attack and intervention in the wake of acceptance of MPL is valid.
- (10) There is no incumbency to solve Muslim matrimonial disputes according to South African Law in the event that arbitration does not resolve the dispute.
- (11) Retention of the status quo is the best and the safest option for Muslims in this country.

SUPPORT FOR KUFR

The Musjilisul Ulama of South Africa as well as other Ulama-e-Haqq proclaim the kufr of the MPL bill. We state unequivocally that whoever supports the MPL supports kufr. Whoever support this bill of kufr aids the kuffaar conspiracy of dismantling and eradicating Islam. Whoever supports the MPL gnaws at the Foundations of the Deen. Whoever supports this bill of kufr rejects the Qur’aan which commands total obedience to the Immutable Shariah of Allah Ta’ala.

Whoever supports the bill of kufr denies the Immutability of Allah’s Shariah. Whoever denies the Immutability of the Shariah implies the denial of the Finality of the Nubuwwat of Muhammadur Rasulullah (sallallahu alayhi wasallam). This is the Fatwa of Islam. It is the Fatwa of the Qur’aan. It is the Fatwa of Allah Ta’ala Who declares most emphatically and explicitly:

“BY YOUR RABB (O MUHAMMAD)! THEY HAVE NOT ACCEPTED IMAAN AS LONG AS THEY DO NOT APPOINT YOU AS THE JUDGE IN THEIR MUTUAL DISPUTES. THEN THEY FIND NO OBJECTION IN THEIR HEARTS REGARDING WHAT YOU HAD DECIDED, AND THEY SUBMIT WHOLEHEARTEDLY (to this divine Immutable Shariah).”

This Shariah of Islam descended from the Heavens fourteen centuries ago, delivered by Hadhrat Jibraeel (alayhis salaam) to Muhammadur Rasulullah (sallallahu alayhi wasallam). Whoever entertains the slightest doubt in this Immutability, makes his exit from Islam. He destroys his everlasting life of success and salvation of the Akhirah. Salaam on those who follow the Guidance of Allah.

THE ULUL AMR

The Qur’aan Shareef commands:

“O People of Imaan! Obey Allah, obey the Rasool and the Ulul Amr...”

The Ulul Amr are those whom Allah Ta’ala has placed in charge of the Deen — those who are the Guardians of Allah’s Shariah.

In the first instance and in the highest category, they are the Sa-haabah, then the Aimmah-e-Mujtahideen, then the Fuqaha of the Khairul Quroon era, then the Ulama-e-Haqq down the centuries until the Day of Qiyaamah.

The Ulama-e-Haqq offer the Ummah the immutable Shariah which is the Law of the Qur’aan and Sunnah. Obedience is thus Fardh. The melodrama of the MPL bill of kufr presented by the myriad of un-Islamic, anti-Islamic and unqualified personnel and fictitious organizations is not the work of men who can ever come within the scope of the Ulul Amr whose obedience is compulsory. Describing the Ulul Amr, Rasulullah (sallallahu alayhi wasallam) said:

“The Ulama (i.e. the Ulam-e-Haqq) are the Heirs of the Ambiya.”

It is this Jamaat of the Truth which will remain dominant and victorious until the Day of Qiyaamah. All the plots of shaitaan and his league of agents will, Insha’Allah, be crushed underfoot, because the Qur’aan declares:

“Haqq has appeared and falsehood has vanished. Verily baatil by its very nature shall vanish.”

NON-RECOGNITION

While a few desire recognition for their own private reasons, most Muslims are not interested in such recognition which after all, is a redundant acquisition. Countless tens of thousands of Muslims since their arrival and birth in this country never bothered nor bother to have their marriages registered. They are not handicapped as a result of their abstention from registration. Inspite of Muslim marriages not being legally valid in terms of non-Muslim law, all state agencies accept the Islamic Nikah Certificate for practical everyday life purposes even to the extent of granting aliens permanent citizenship rights on the basis of the Islamic Marriage Certificate. We have issued innumerable Nikah Certificates to Muslims for the achievement of mundane aims, and all such certificates were accepted by courts, the immigration department, the Home Affairs, secular schools and other institutions. For such aims, MPL was not and is not needed.

SAMPLES OF MPL KUFR

- Dealing with the Shariah as if it is an object to trifle and tamper with.
- Subjecting the Shariah to the opinions of the women's lib movement and the plethora of other anti-Islamic forces.
- Shackling the unrestricted injunctions of the Qur'aan with stipulations conjectured by the minds of inimical, unqualified and evil men, women and organizations who stand opposed to the Sunnah of Rasulullah (sallallahu alayhi wasallam).
- Abrogating *Ahkaam* of the Shariah.
- Incorporating into the MPL 'shariah' the non-Muslim age of consent for marriage, which is 18, while the Deen of Islam says that it is *bulooah* (not later than 15 years).
- Criminalizing Nikah in certain cases if the consent of the non-Muslim minister is not acquired.
- Subtle abrogation of the Qur'aan's permissibility to marry more than one wife.
- Imposing haraam property divisions on Muslims with the power of the kuffaar courts.
- Denying Muslims trapped into a haraam matrimonial property system the right to have it cancelled.
- Usurping the wealth of Muslims by asking the non-Muslim state to fine Muslims up to R20,000 for entering into Nikah with a second wife.
- Legalizing *zulm* (cruelty/oppression/injustice) by proposing the usurpation of the wealth of Muslims and even imprisoning them for availing themselves of rights granted to them by the Qur'aan and the Hadith —by the Immutable Shariah of Allah Ta'ala.
- Superseding the Shariah by proposing that the non-Muslim High Court be the final arbiter in the interpretation of the Shariah.
- Abrogating the Islamic form of *Tahkeem* (Arbitration) by making it subservient to the Arbitration Act of the non-Muslim state.
- Denying the validity of the verdict of the *Hakam* (Arbitrator) if the kuffaar court interprets and decides otherwise.
- Giving the kuffaar court the right to cancel the Shar'i awards of the *Hakam*.
- Accepting the validity of the jurisdiction of the secular court over Muslims in defiance of the Shariah.
- Accepting the kuffaar court as a valid and lawful forum for deciding the Shar'i issues of Nikah, Talaaq, Hadhaanah, Nafqah, iddat, etc.
- Accepting the *wilaayat* of a non-Muslim over a Muslim in defiance of the Shar'i prohibition.
- Binding the validity of Islamic Nikah with the provisions of kuffaar law, without which the Nikah will not be valid.
- A Nikah conducted in terms of the Qur'aan and Sunnah is invalid if entered into in contravention of the provisions of certain sections of kuffaar law.
- A Nikah which is valid according to the Shariah of the Qur'aan is merely a purported marriage having no validity if it contravenes the law of the non-Muslim land.
- Abrogating the Shariah's law on the issue of parental consent to a minor for marriage.
- Assigning the *wilaayat* of Nikah of a minor to even a guardian who has no such right in the Shariah.
- Cancelling the *wilaayat* of the father to have the Nikah of his minor child performed, by the application of certain provisions of the kuffaar Marriage Act.
- The non-Muslim minister and the Islamically unauthorized person or body authorized by the minister has the right and power to have a minor married regardless of the rightful *Wali* objecting.
- The Nikah of an adult Muslim is invalidated without the permission of the non-Muslim minister merely because such

Muslim adult is under 18 years. Thus, the Nikah which has been performed in accordance with the Qur'aanic Shariah is annulled by the law of kufr.

- In defiance of Allah's Shariah, giving Muslim couples the right to adopt a 'marital regime' which brings in its wake the usurpation of wealth by spouses and the cancellation of the Islamic Laws of Inheritance.
- Imposing on parents and the Imaam who performs the Nikah, the un-Islamic duty of informing the prospective spouses about MPL requirements and offers. They are compelled to do so at the peril of being fined R5000 or jailed.
- In contravention of the Shariah, the non-Muslim court is empowered to regulate the matrimonial property system of spouses.
- The husband or the wife is precluded from having a haraam community of property cancelled if the other spouse refuses. Hence, a *joint* application is stipulated for the obtainal of cancellation.
- Even if both spouses apply jointly for cancellation of their matrimonial system which precludes the validity of an Islamic Will, it remains the prerogative of the non-Muslim court to decide if there are 'sound reasons' for such an application.
- In the unlikely event of the non-Muslim court/minister consenting to a second marriage, the court has the right to order this man to divide his assets in equal shares between himself and his existing wife. Such division of assets is usurpation of the wealth of the husband.
- The court is given the right to order the man's estate to be divided in terms of the accrual system which is in violation of the Shariah.
- *Amr Bil Ma'roof Nahy Anil Munkar* is prohibited and the one executing this Waajib obligation is heavily fined or imprisoned for a year. Thus a father can fall foul of this kufr law if he admonishes his child and prevents him/her from availing himself/helf of the provisions of the MPL kufr.
- The Shariah's laws of Talaaq are shackled with the provisions of the Divorce Act of the country.
- The non-Muslim court is given the right to dissolve the Nikah into which Muslims have entered.
- The husband is criminalized if he does not register his Talaaq with a government agent.
- In contravention of the Shariah, the validity of Talaaq Baain is stipulated with witnesses and with the delivery of a written Talaaq by the sheriff of the court
- The husband is fined R5000 or jailed if he fails to register the Talaaq Baain he had issued.

ETC., ETC., ETC.

All this *kufr* and more, is being advocated for acceptance by the Muslim community in the name of Islam, While the pro-MPL molvis are following in the footsteps of the Yahood and Nasaara priests who had subverted the Shariah of the Taurah and Injeel, Allah Azza Wa Jal calls on the Mu'mineen in the Qur'aan Majeed:

"It is not lawful for a Mu'min (Believing man) nor for a Mu'minah (Believing woman) to have a choice in their affairs when Allah and His Rasool have decided an issue." (Qur'aan)

WHO ARE THE PEOPLE WHOSE VIEWS AND INPUTS ARE CONSIDERED ?

The great Mashaaikh of Islam have presented a criterion for evaluating and determining the validity of a view, opinion or institution. If the founders/originators are men of Ilm and Taqwa, the product they present will be compliant with the Shariah. If they are fussaah, zindeeqs and the like, the product they offer will be baatil and kufr. Let us now see those who have offered their services of 'input' to the MPL project committee. *They are:*

The Women's Forum (Grassy Park)
The Women's Cultural Group (Wandsbeck)
Women's Legal Centre
S.A. Muslim Women's Forum (Boksburg North)
Joint submission by:
Faatima Noormohamed, Haseena Rawat, Fowzia Mall
An Nisaa (Ms F.Asmal)
Joint submission:
Ms. S.Khan, Ms. F.Ajam, Ms.F. Rawat, Ms. Y.Khan
Islamic Women's Forum (Ms F.H.Amod)
Azaadville Women's Forum
Shaamilah Davids
Ms N.Vaid
Fatima Saban and Washiella Mohamed
Women's Legal Centre
Ittigadun-Nisa and the Women's Institute for *Leadership Development and Democracy*
Ms Christa Rautenbach (PU for CHE)
Dr.Elsoe Bonthuys (Law School Wits)
Waheeda Carvello
Women's Legal Centre (Cape Town)

The abovementioned list of female participants with whom the project committee (including its molvis and semi-molvis) had to consult and be influenced with their liberal, feminist views of kufr, is a good barometer to judge the kind of 'shariah' the project committee has to fabricate.

Regarding the views of these females and their organizations craving for leadership, Rasulullah (sallallahu alayhi wasallam) said: "*Never will prosper a community which hands its affairs to a woman.*"

The list of wholly unqualified formulators of the project committee's 'shariah of kufr' continues hereunder:

Gender Research Project Centre for Applied Studies
Sealake Industries
Black Lawyer's Association (Western Cape)
Gender Unit & General Practice Unit
Legal Aid Clinic (UWC)
Shura Yabafazi (Consultation of Women)
National Association of Democratic Lawyers (W.Cape)
Human Rights Research and Advocacy Project
The Association of Muslim Lawyers (Cape Town)
Office of the Family Advocate (Cape Town)
The Islamic Careline (Fordsburg)
Society of Advocates of KwaZulu

Commission on Gender Equality
The Careers Research and Information Centre
Community Law Centre (UWC)
The Association of Muslim Lawyers (Gauteng)
The Muslim Youth Movement
Prof.J.I.Neels (Rand Afrikaans University)
Commission on Gender Equality (Cape Town)
Commission on Gender Equality (Johannesburg)
Adv.H.Salduiker
Adv.R.Carloo
AS.Kays
DR.MNZ Adams
The Law Society of Cape of Good Hope
Association of Accountants and Lawyers for Islamic Law
Muslim Assembly (Cape Town)
Islamic Council of South Africa
Society of Advocates of Natal
The Amir of the Murabitun
Lawyers for Human Rights
The Islamic Social and Welfare Association
Legal Resources Centre for the MYM
Tshwaranang Legal Advocate Centre and Nisaa Institute for Women's Development
Fanyana P Nzuza
Community Law Centre (University of Western Cape)

Besides the abovementioned Islamically unqualified persons and organizations, the Ulama too had made representations. However, there is no need to list the names of the Ulama since their Shar'i views form no part of the bill of kufr. Attention, selection and acceptance have always been accorded to the un-Islamic and anti-Islamic personnel and organizations whose very *Aqaaid* (Beliefs) are questionable.

THE SHARIAH

The preponderance of wholly alien influences and opinions which the project committee is compelled to consider very favourably, gives an insight into the making of the MPL bill of kufr. It is essential that the Muslim community understands that the *Warathatul Ambiya* (The Heirs of the Ambiya), the Representatives and Guardians of the Immutable Shariah of the Qur'aan — the Ulama-e-Haqq — had no say in the fabrication of the MPL bill. The Shariah which the Ulama represent did not feature in the production of the project committee's bill of kufr.

The very preponderance of anti-Islamic agencies aiding the process of hammering out a new 'shariah' for the project committee is loud and abundant testimony for the absolute *butlaan* (falsehood and fallacy) of the MPL bill.

QURBAANI *Zil - Hajj 1424* *February 2004*

Soon it will be the Qur'baani season. As usual, the Mujlisul Ulama shall, Insha'Allah, be organizing Qur'baani in Bangladesh and elsewhere. Along with the execution of the obligation of Qur'baani, the needs of the poor can also be served by doing the Qur'baani in villages in which the inhabitants are extremely poor and unable to afford the luxury of meat most of the year.

We hope that Muslims will fully support our Qur'baani Project. The price of a cow (seven shares) is R2100 (\$300). The price of goats and sheep in these regions is very high, hence we concentrate on Qur'baani of cattle. Price for one share is R300 (\$45).

The villages are far apart and scattered all over the country. To enable us to organize the Qur'baani project, early arrangements have to be made. We shall appreciate it very much if those who will be participating in the Qur'baani Project will send in their order and payment early. Although we shall be taking Qur'baani orders right until the Day of Eidul Adhaa (10th Zil Hijjah), early ordering and payment will make our task easy. There are several hundred villages in which we would like to make Qur'baani. We therefore urge you to keep our Qur'baani Project in mind. May Allah Ta'ala reward you in abundance for your assistance. *Jazaakumullaah!* Send your contributions to:

Mujlisul Ulama of S.A., P.O. Box 3393, Port Elizabeth, 6056, South Africa
Or you may deposit into our banking account. Please notify us of your contribution deposited into any of our banking accounts. A copy of the deposit slip will be appreciated. Post or fax it to us. Our fax number is: +27- 41 - 4513566. *For further information you may phone:*

Abdus Samad Mall: 083 3262 786 OR Ismail Asmal: 083 2950 567
OR Mohamed Rashid Asmal 083 3267 038

<i>Local Contributors</i>	<i>Foreign Contributors</i>
Mujlisul Ulama of South Africa A/c no. 1217 040 145 Nedbank, Commercial Road Branch, Port Elizabeth	SERVANTS OF SUFFERING HUMANITY <i>Account no. 631 91029 (U. S. currency A / C)</i> <i>Bank: Girobank plc, Bootle, Merseyside,</i> <i>England</i> GIROAA <i>Sorte Code 720000</i> <i>Swift code GIRBGB22</i>

THE FOUL DECEPTION OF MPL CLAIMS

An intelligent scrutinization of the MPL proposed bill of kufr establishes that the authors of this exercise have presented only two supposed 'advantages': (1) Recognition of Muslim marriages, and (2) Protecting women's rights in the matter of maintenance by invoking the coercive power of the court. The claim has been monotonously and very deceptively propagated that in view of the non-recognition of Muslim marriages in the present dispensation, there is no relief for oppressed women against the spiteful designs of recalcitrant husbands who refuse to fulfil their Shar'i obligations towards their minor children in a situation of divorce/separation. Of all the falsehood permeating the MPL bill, this claim is the foulest lie. In the present dispensation, notwithstanding non-recognition of Muslim marriages, the avenue of relief is open for women. Recalcitrant ex-husbands can be compelled to abide by the injunctions of the Shariah if the women are concerned with the justice of the divine Shariah of Allah Ta'ala. The solution for the imagined problem is outlined hereunder.

THE SOLUTION

(a) A husband refuses to fulfil the *huqooq* (Islamic rights) of his wife. The marriage breaks down irretrievably, but the husband while refusing to do justice, spitefully withholds Talaq. The wife has ready access to the local Ulama or to responsible Deeni-conscious elders of the community. Her application for *Faskh* (Annulment) is granted by the Committee, and the husband is ordered to provide *iddat* maintenance and support for his minor children. But he refuses. The Annulment Committee warns

him to abide by the Shar'i ruling otherwise the woman will be advised to proceed to the secular court for relief. With this threat overhanging him, no man who is not insane, will refuse to comply because he is fully conscious of the following facts:

- The secular court will make payment of maintenance a mandatory order. If he defaults in payment, he is liable to be arrested and jailed.
- The court will order maintenance in excess of the Shariah's award.
- The court will order maintenance until the minor children attain the age of 21 years whereas according to the Shariah, he has to pay until the age of 15 years.
- The court will order additional expenditure such as secular education, university education, etc. which are not imposed on the man by the Shariah.

With this sword of Damocles suspended over his head, the recalcitrant man will in entirety return to his senses and forget his recalcitrancy. Thus the contention that in the absence of MPL the woman has no relief while the recalcitrant man is free to perpetrate his injustice, is a deception promoted for misleading Muslims— for tricking them into acceptance of MPL. Elsewhere in this Bulletin, recognition and non-recognition have been discussed.

THE MAKTAB PROJECT — THE DUTY OF EVERY MUSLIM TO AID THIS STRUGGLE

THE MAKTAB STRUGGLE GUARDS THE IMAAN OF THE NEW GENERATIONS OF THE UMMAH — IT IS THE STRUGGLE WHICH IS THE BULWARK AGAINST THE SILENT KUFR ONSLAUGHT

Millions of the Ummah's children in thousands of remote villages all over the World of Islam are being weaned away from Islam by a variety of forces and influences, all favourable for the global Kufr machinery. Living in remote villages and in poverty, these children of the Ummah are deprived of the very elementary Deeni education so vital for the preservation of their Imaan. Growing up in stark ignorance of Islam and exposed to the onslaught of the kuffaar missionary machine and other influences of atheism, whole generations of Muslims have abandoned their Deen. In consequence of this silent disaster, some former Muslim majority countries in Africa have become majority Christian states. The apathy, neglect and uncaring attitude of the Ummah have contributed greatly to produce this sad state of affairs.

There is an imperative need — a Fardh Obligation — to establish Maktabas (small Madrasahs) in these villages to provide essential basic Deeni Ta'leem for the lost children of the Ummah. Millions of Muslim children are growing up without the knowledge of the Kalimah, Tahaarat, Salaat and Qur'aan recitation. While this lamentable and disastrous situation continues with its incremental process of degeneration, the Ummah is asleep and gripped in a stupor of lethargy, groveling in pomp and luxury. **We appeal to all Muslims to step forward and aid the Waajib Maktab Struggle.**

In different parts of the world, small concerned Muslim groups are working to counter this tide and avalanche of ignorance, the flames of which are being fanned by the machinery of kufr ignited by the enemies to destroy the Ummah and Islam. Among these groups the Mujlisul Ulama too is in the field. By the pure fadhl of Allah Ta'ala, we have succeeded in establishing approximately 1200 Maktabas catering for about a hundred thousand children who were a couple of years ago totally deprived of the very basic Deeni Ta'leem necessary to guard their Imaan. The maintenance of these Maktabas—small huts in which the children are taught — is an uphill struggle. While Muslims do contribute towards the upkeep of these Maktabas, the funding is generally restricted to the Month of Ramadhaan. The Ramadhaan contributions are grossly insufficient to ensure the smooth operation of the Maktabas throughout the year.

It costs about **R6000 (\$1000)**—wages for an Ustaad — to operate a Maktab for a whole year. We are sure that there are innumerable Muslims who can comfortably afford to sponsor a Maktab for a year. This is a wonderful, and in this day, *the best form* of Sadqah Jaariyyah—a Sadqah which ensures perpetual tha-waab even after death. It is an easy and a spiritually exhilarating effort to build up one's capital for the Akhirah. It is our fervent dua that Muslims will respond generously, for their own goodness and for the sake off the Ummah's children, and with the intention of gaining Allah's pleasure. We hope that Muslims will keep in mind this Waajib Project, not only during Ramadhaan. It is a continuous struggle. It has to be kept in mind throughout the year.

Send your contributions by either depositing in our banking account (details overleaf) or by cheque or cash. For further details, you may contact Abdus Samad Mall, Phone 083 3262 786
Or Ismail Asmal, Phone 041-4513566 : Cell 083 2950 567

JAZAAKUMULLAAH!

WHO DOES THIS COMMITTEE REPRESENT?

The Project Committee, the architect of the Muslim Marriages Law Bill (MMLB), which has been submitted to the Minister of Justice and Constitutional Development for his consideration and approval, has caused much distress to the Muslim Community of South Africa for its wanton intrusion in the avenue of the Shariah, thereby portending grave problems, hardships and difficulties for Muslims with its un-Islamic and anti-Islamic provisions constituting the proposed Muslim Marriages Law Bill.

The provisions of the iniquitous bill which is in violent conflict with the divine, immutable Shariah of Islam, testify loudly to the gross Islamic incompetency of the members which constitute what is called the Project Committee. It is time to pose the pertinent question: **Who does this committee think it represents?** Hitherto, the notion has been traded that the Project Committee is echoing the views and desire of the Muslim Community of South Africa. By the subterfuge of

its *modus operandi* — its system of consultation and workshop meetings — the attempt has been made to trade the idea that the final product of its deliberations, viz., the MMLB, is the desire of the Muslim community when in reality this is not the factual position.

Contrary to the notion which is subtly propagated, the MMLB is not the desire of the Muslim community nor does it comply with the Shariah, nor does this Project Committee represent the Muslim Community, nor does it represent any sizeable segment of any sect of the Muslim community. The presence of one Maulana on this Committee does not accord Muslim representation to the Committee, nor does it offer a licence to the Committee to represent Islam or even speak on matters of the Shariah.

COMPOSITION

The very composition of the Project Committee loudly testifies to the nature of this insignificant group. The members of this un-Islamic Committee are: Judge M.S.Navsa (Chairperson), Sheikh/Advocate M.F.Gamielid, Moulana A.A.Jeena, Ms F.Mahomed, M.P., Professor N.Moosa, Mr.M.S.Omar, Dr.R.A.M.Saloojee and Ms Z.Seedat.

Ninety percent of the members are laymen in so far as the Shariah is concerned. As such they lack competence in the Shariah. They are devoid of Qur'aanic qualification which is vital for an Aalim of the Deen. The Qur'aan Majeed, stating the vital requisite imperative for being an Aalim of the Qur'aan, declares: *"Verily, of the servants of Allah, only the Ulama fear Allah."* Those lacking in the quality of *khashiyat* are not Ulama in the Qur'aanic sense regardless of their textual knowledge. The mere study of books does not produce an Aalim of the Deen in terms of the Qur'aan Majeed. The method of their operation is in conflict with the Qur'aan and Sunnah. They can never, therefore, speak authoritatively and correctly on matters of Shar'i import.

As for the single Moulana on this Committee, he does not enhance its credibility in spite of him being the Ameer of the Transvaal (Gauteng) Jamiat which is not even a shadow of the true Jamiatul Ulama of Transvaal which was brought into existence by senior Ulama-e-Haqq. The Moulana Saheb does not represent even the present emaciated Jamiat of Gauteng. This was at one stage professed by the Moulana Saheb himself.

As for the female members of the Committee, Rasulullah (sallallahu alayhi wasallam) who delivered the Immutable Shariah of Allah Ta'ala to the Ummah, said: *"Never will prosper a community which entrusts its affairs to a woman."*

As for the judges and advocates, they hold no standing in the sphere of Shar'i Uloom. Their views and opinions are *baatil* even if by fluke they hit the nail on the head. Regarding such men who lack in Shar'i qualification in the domain of Ilm-e-Deen, Rasulullah (sallallahu alayhi wasallam) declared: *"Whoever speaks in the Qur'aan with his opinion, let him prepare his abode in the Fire (of Jahannum)."*

In terms of the Shariah, all the members of this Committee in general, and the Moulana Saheb in particular, are *persona non grata*. The Project Committee has absolutely no Islamic credentials and is wholly unqualified to offer the Muslim Community any direction in the important domain of marriage, divorce, maintenance, custody, etc. It is essential that all concerned with this issue understand well that the Project Committee does not represent the Shariah — does not represent the Muslim Community. It has no mandate from Muslims to act on their behalf. It has no mandate from the Shariah to speak on its behalf. In fact, it is guilty of the perpetration of kufr in that it has set itself the abhorrent and vile task of subverting the immutable Deen of Allah Ta'ala to comply with international norms women's rights and the like.

RASULULLAH AND NIKAH

Rasulullah (sallallahu alayhi wasallam) emphasized that girls should be married as soon as they attain buloogh (which at the latest is 15 years). And, if this exhortation is not given practical expression, fitnah and immorality will become rife in the community

THE DUTY OF MUSLIMS

Islam with its divine Shariah is under threat of massive interpolation and change. The enemies of Islam are employing a devious process which they call *"internal initiatives"* to mutilate the Deen of Islam. By 'internal initiatives' is meant the recruitment of molvis and modernist Muslim intellectuals whose task it is to overhaul the Deen by means of kufr re-interpretation. The alien scheme to displace the Shariah envisages the enlistment and employment of such personnel from within the ranks of the Community,.

In the face of such a threat, it is the waajib ob-

ligation of Muslims — organizations, jamaats and individuals — to raise their voice of protest in defence of Islam. In the current context, the imperative need is for all Muslims to write their objection and rejection of MMLB. Muslim organizations as well as individuals should send their objections and protest to

*The Minister of Justice & Constitutional Development, Private Bag X276, Pretoria 0001.
Fax 012-321 1706.*

Your letter of objection should consist of the following facts:

(1) You totally dissoci-

ate from the Muslim marriages Law Bill.

(2) The Project Committee responsible for this bill does not represent you nor the Shariah.

(3) The Shariah and the Muslim Community are represented by the Ulama-e-Haqq

(4) The bill is in conflict with Islamic Law

The bill denies your constitutional right of freedom of religion. The constitution allows Muslims freedom of religion.

AN EVIL CONSEQUENCE OF MMLB

Certain categories of Nikah—sacred in Islam—are criminal offences in terms of MMLB. Thus, the Nikah of a 15 year old or a 16 year old or a 17 year and 11 months old boy or girl, is invalid and a crime if the consent of the non-Muslim minister is not acquired. Yet, this same under 18 year old boy or girl can legally strike up illicit relationships—a dozen at a time—without being criminalized. This is MMLB in operation.

WHOSE REPRESENTATIVE?

The Project Committee members represent only themselves. They are there in their individual capacities and have been appointed by a non-Muslim authority, not by any Shar'i Authority. Intentionally or unintentionally, this Committee also represents the aims and objects of the architects of Islamic Family Law spearheaded by the Ford Foundation of U.S.A., the design of this scheme being the complete displacement of Allah's Shariah — an aim which they believe they will achieve by what they term "re-interpretation of the

Qur'aan". They languish in this dream despite the clear declaration of the Qur'aan: *"They intend to extinguish the Noor (Deen) of Allah with their mouths (by means of their re-interpretation) while Allah has resolved to complete (and safeguard) His Noor even though the kaafiroon abhor it."*

JAAHILIYYAH?
"What, do you search for the law of jaahiliyyah?"
(Qur'aan)
MPL is part of this Jaahiliyyah.

Questions & Answers

Q. The supporters of MPL claim that presently Muslim marriages are not legal. This creates problems which the MMLB solves. Please comment.

A. We have explained these issues in this Bulletin as well as in our earlier Special Editions. The problems are the imaginations of the MPL crowd. There is really no difficulty. The country's constitution allows sufficient latitude for the conscious and concerned Muslim to acquit himself in compliance with the Shariah.

Q. What are the advantages of MPL for which MMLB has been formulated?

A. The one who answers is in the dark just as the one who is asking the question. To this day, no one has pointed out a single valid advantage which MPL offers. There is nothing but conflict with the Shariah and the creation of problems for Muslims. In fact, this innocuous measure makes criminals of Muslims.

Q. The claim has been made on the strength of a senior overseas Mufti that it is permissible to regulate polygamy by placing restrictions on it. Is there a valid basis for such regulation?

A. Far—very far from there being a valid Shar'i basis for such regulation and restriction, it is in fact kufr to place mandatory restrictions in order to regulate polygamy. Such restrictions as the MPL clique has proposed were never introduced by anyone in the fourteen centuries of Islam's history. The Shariah places no restriction on a man who desires to marry a second or a third or a fourth wife. The exhortation to marry one wife if there is fear of injustice is a moral constraint. It has no legal consequences. Just as a man who intends marrying only one woman fears that he might be unjust to her, cannot be prevented from Nikah, so too, can a man not be prevented from a plurality of marriages on account of a fear. The attempt to place legal constraints on Nikah is kufr in view of the fact that it is to place a restrictive condition to a Qur'aanic permission which is unfettered with stipulations.

Q. What are the implications of marrying a second wife should the MMLB be passed?

A. A fine of R20,000 or a ten year jail sentence.

Q. How does MPL conflict with the Shariah on the Talaq mas'alah? A. The validity of Talaq has to be confirmed by a non-Muslim court. The consequence is that if the court does not confirm the Talaq, the spouses can 'legally' live in adultery. But according to the Shariah a Talaq is valid once the husband utters it. Its validity is not reliant on any confir-

mation of a court nor on the presence of witnesses.

Q. What will be the effect if a baaligh boy or girl of 17 years marries without the consent of the authorities?

A. Such a Nikah is a crime in terms of MMLB. Its validity is wholly reliant on gaining the consent of the non-Muslim minister of Home Affairs. A crime is a punishable offence. Thus, a Nikah which is sacred and exhorting by the Qur'aan and Sunnah becomes a crime by the trick of 'internal initiatives'.

Q. If there is no MPL how can a spiteful man be compelled to support his minor children? He dumps the children by his ex-wife who has to struggle to support the children while the man goes off scot free.

A. This is a great deception which the MPL clique peddles. If the man refuses to abide by the ruling of the Shariah in these matters, the wife can proceed to the secular court to compel the recalcitrant man to comply. With the threat of legal action the man will most certainly comply. Read our explanation on this question elsewhere in this Bulletin.

Q. MPL claims to solve the problem of a man who dies intestate. If his marriage is not recognized as legal, the heirs stand to suffer. What solution besides MPL is there for this problem?

A. MPL provides absolutely no solution for this problem. MPL in fact does not deal with Meeraath (Inheritance). It is obsessed with only women's so-called rights. The MPL committee has as its aim compliance with the modern or western international standards of women's rights. It is bankrupt in so far as Islamic Inheritance is concerned. If a man is married according to MMLB and dies intestate, it does not follow that his estate will be divided in accordance with the Shariah's law of inheritance. The law of the country will apply. The division of his estate will be according to the secular law of inheritance, not according to the Shariah. Thus, recognition of the marriage in terms of MMLB does not solve this problem. The problem can be solved in only one of two ways. Either the state accepts the Shariah's Law of Inheritance, which it will not, or the deceased left an Islamic Will which will be valid if his marriage was not registered in community of property. Cases of Muslims dying intestate are rare. And, if not rare, they are responsible for their own misdeed of not leaving an Islamic will. They will have to answer to Allah Ta'ala for their sinful dereliction of a Waajib obligation. Recognition of the marriage in terms of MMLB does not solve this problem. The solution is that

Muslims should firstly, not opt for the community of property matrimonial system. Before registering their marriages, if they so wish to register, they should enter into an antenuptial contract excluding the accrual clause. Secondly, they should prepare an Islamic Will. Rasulullah ((sallallahu alayhi wasallam)) commanded with emphasis that a Will be drawn.

Q. Besides MPL, what other method is there for getting Muslim marriages recognized as legal?

A. There is no imperative need to gain legal recognition for our marriages. Should anyone desire such recognition, he is free to have his marriage registered in a civil court. He should only ensure that he enters into an antenuptial contract which excludes the accrual clause.

Q. The MPL Committee says that "gross inequities and hardships arising from the non-recognition of Islamic marriages still prevail". What is the response for this claim?

A. Let them enumerate the "gross inequities and the hardships". So far, they have mentioned none. Any hardship which Muslims may experience in consequence of non-recognition is due to their own ignorance and not adhering to the Shariah. Countless thousands of Muslim marriages are not recognized. In spite of this, hardships are not experienced.

Q. It is difficult to accept that the senior Aalim who advises the Project Committee would have agreed to a fine of R20,000 or a jail term for a man who enters a Nikah. Perhaps he was outvoted by the secular chaps of the committee.

A. Refer your doubt to the venerable Moulana Saheb of the Project Committee. He will be in a better position to answer. Since he has not explained his position on this issue and since he consorts with a group whose mission is to displace the Shariah, it has to be accepted that he is part of this kufr deal. If he is not jointly responsible for this kufr, then he should abandon the miscreant committee and state his position. As long as he consorts with irreligious people, he is jointly liable for their kufr.

WHICH 'SHARIAH' ORDERS THIS?

The MMLB says: "Where a dispute arises between a husband in a polygynous marriage, and one or more of his spouses, which dispute is pending in a court of competent jurisdiction, and irrespective of whether the dispute is in relation to a marriage governed by the provisions of this Act or not, all spouses to whom the husband is married must be given notice of such dispute."

Whom does this Committee think

it is befuddling? What has entitled it to beg the government to impose such a demand of *jaahiliyyah* on Muslims? What is the basis in the Shariah of Allah for this unjust and haraam stipulation? What is the motive underlying this provision? Why should all the wives be present in a non-Muslim court exposing themselves to all the *fussaaq* and *fujjaar* when the husband has a dispute with one of his wives? Of

which 'shariah' is this an injunction? Yes, it is the injunction of the *Law of Jaahiliyyah*.

And, which non-Muslim court has 'competent jurisdiction' over Muslims? The ignorance of the fabricators of these provisions is truly colossal in dimension. The motive for this measure is sinister. It has absolutely no Shar'i substance and is an imposition of injustice and kufr in the name of the Shariah.

NIKAH IS 'NULL AND VOID'
In pursuance of the sinister goals schemed by the global enemies of Islam, the MMLB,

presents the following specimen of kufr: "In the event of a marriage having been entered into in contravention of the provisions of subsection (2), such purported marriage shall be null and void."

But the Shariah of Allah says that a law of *Jaahiliyyah* cannot render a Nikah null and void.